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Town Of Needham

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TOWN CLERK'S RECORDS

OF THE

SPECIAL TOWN MEETING

September 13, 1989

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NEEDHAM, (MASS.)

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TOWN OF NEEDHAM

TOWN CLERK'S RECORDS

OF THE

SPECIAL TOWN MEETING

September 13, 1989

ANNUAL TOWN ELECTION

April 8, 1990

RECOUNT OF VOTES CAST FOR WRITE-IN VOTES FOR TOWN MEETING MEMBERS IN PRECINCT C

April 25, 1990

ELECTION
(To Break Tie Vote in Precinct C for Town Meeting Member)

May 2, 1990

ANNUAL TOWN MEETING

May 7, 1990

SPECIAL TOWN MEETING

May 15, 1990

SPECIAL TOWN MEETING

May 21, 1990

RECOUNT OF VOTES CAST FOR THE GENERAL OVERRIDE BALLOT QUESTION

June 2, 1990

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SPECIAL TOWN MEETING

September 13, 1989

Pursuant to a Warrant issued by the Selectmen August 16, 1989, the Inhabitants of the Town of Needham qualified to vote in Town affairs met in the Derwood A. Newman Middle School on Wednesday, September 13, 1989, at 7:30 o'clock in the afternoon.

Checklists were used and 232 voters, including 207 Town Meeting Members, were checked on the list as being present.

The meeting was called to order at 7:30 o'clock by the Moderator, Richard P. Melick.

Rev. Paul C. Clayton, Pastor, Needham Congregational Church, gave the invocation. Following this, the call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Moderator announced the following ground rules and these were adopted unanimously:

1. A speaker will be ruled out of order who refers to personalities. Let us remember that we are one Town Meeting Family with a common goal: the best interest of the community.

2. Rise to be recognized and address the chair; speak your name so that the Town Clerk can complete her records.

3. Disclosure required by one employed as an attorney by another who is interested in a matter; General By-Laws, Art. I, section 5.

4. If lengthy or complicated motions are not drafted and reviewed by the Moderator prior to being placed on the floor, then the speaker will yield the floor to another speaker while the drafting and formulation process is occurring.

5. Short motions to amend and procedural motions need not be in writing.

6. Parliamentary procedures known as "points of information" and "points of order" shall be strictly construed so as not to elong or permit debate after a motion to move the previous question has been voted in the affirmative.

7. Limits of debate shall be enforced.

8. Questions asked for general information purposes unnecessary for the consideration of the matter on the floor shall be ruled out of order.

   Unanimous consent was given to adopt the following limits of debate:

   25 minutes - Committee Chairmen, proponents, attorneys representing proponents; subject to extension at the discretion of the Moderator in cases of a building committee report or the like.

   10 minutes - Town Meeting Members, non-town meeting members, visitors other than attorneys.

9. If a speaker either makes any reference whatsoever to the existence or presence of cameras within the hall or within the sole discretion of the Moderator it is believed that the remarks of the speaker are in any way affected by the existence of the cameras, then in either event the speaker will be ruled out of order and requested to immediately be seated.

10. After a motion to put the previous question has been voted, a member may rise to a point of information only to inquire (1) what the motion or motions are that are to be put pursuant to said vote, or (2) to ask as to the order in which motions are to be so put if there be more than one motion to be voted upon, and for no other purpose.

Unanimous consent was given to omit the reading of the substance of each article when reached.

ARTICLE 1 FISCAL YEAR 1990 BUDGET ADJUSTMENTS

To see if the Town will vote to amend and supersede certain parts of the 1990 Operating Budget, adopted under Article 15 at the 1989 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended; or take any other action relative thereto.

MOVED: That the Town amend and supersede certain parts of the 1990 Operating Budget, adopted under Article 15 at the 1989 Annual Town Meeting, as follows:

BOARD OF SELECTMAN:		
1.	Salaries	$176,378.
2.	Telephone Charges	70,338.
3.	Expenses	78,983.
4.	Town Meetings	10,500.
5.	Capital Outlay (Raised by transfer of $830. from the sale of assets and $4,370. from the Federal Revenue Sharing Fund.)	5,200.
12.	Street Lighting	350,000.
14.	Garbage	94,500.
TOWN CLERK:		
15.	Salaries	$69,382.
16.	Expenses	3,510.
17.	Travel Out of State	0.
BOARD OF REGISTRARS:		
19.	Salaries	43,192.
20.	Expenses	13,290.
21.	Tellers & Canvassers	6,405.
22.	Capital Outlay	895.
LEGAL:		
23.	Salaries	41,148.
24.	Expenses	4,700.
25.	Special Fees	80,000.
PERSONNEL:		
26.	Salaries	65,016.
27.	Expenses	26,371.
28.	Capital Outlay	0.
ASSESSORS:		
29.	Salaries	177,380.
30.	Expenses	9,000.
31.	Revaluation	88,500.
32.	Capital Outlay	0.
FINANCE DEPARTMENT:		
7.	Insurance, General	588,000.
8.	Insurance, Group Life A & H	2,507,500.
9.	Worker's Compensation	429,000.
10.	Property & Casualty Self Insurance	12,000.
11.	Uniformed Services Medical Payments	72,000.
13.	Unemployment Compensation	30,000.
33.	Salaries	541,000.
34.	Audit	83,500.
35.	Travel Out of State	1,200.
36.	Expenses	431,976.

FINANCE DEPARTMENT (Cont'd):

37.	Capital Outlay (Raised by transfer of $27,500. from the sale of Town-owned property on Central Avenue.)	27,500.
44.	Maturing Bonds	985,000.
45.	Bond Interest	306,544.
46.	Temporary Loan Interest	0.

FINANCE COMMITTEE:

49.	Salaries	11,345.
50.	Expenses	700.
51.	Reserve Fund (Raised by transfer of $150,000. from the Overlay Surplus and the balance of $150,000. from the current tax levy.)	300,000.

CONTRIBUTORY RETIREMENT:

52.	Salaries	37,248.
53.	Contributions	2,676,240.
54.	Expenses	4,030.

NON-CONTRIBUTORY RETIREMENT:

56.	Chapter 32 Retirements	222,300.
57.	Past Service Liability	0.

EDUCATION:

58.	Salaries	15,724,105.
59.	Administration	112,785.
60.	Instruction	806,717.
61.	Other School Services	93,193.
62.	Cafeteria Assistance	0.
63.	Transportation	694,485.
64.	Operation/Maintenance	953,300.
65.	Community Service	82,325.
66.	Fixed Assets	0.
67.	Tuitions	1,124,529.
68.	Travel Out of State	4,500.
71.	Capital Outlay (Raised by transfer of $414,500. from the Stabilization Fund and the balance of $5,500. from the current tax levy.)	420,000.
72.	Vocational Education	396,448.

POLICE:

73.	Salaries - regular (Raised by transfer of $19,000. from the Parking Meter Fund and the balance of $1,941,125. from the current tax levy.)	1,960,125.
74.	Salaries - overtime	262,013.
75.	Education/ Career Incentive	9,825.
76.	In-service Training	48,803.
77.	Capital Outlay (Raised by transfer of $94,853. from the sale of Town-owned property on Central Avenue.)	94,853.
78.	Travel Out of State	500.
79.	Auto Maintenance	25,915.
80.	Building Maintenance	9,400.
81.	Communications	23,307.
82.	Operating Expenses	94,279.
84.	Uniforms	38,825.
85.	Crime Check Committee	0.
86.	Animal Control	2,500.
87.	F.B.I. Academy	500.

FIRE:

88.	Salaries - regular	2,476,910.
89.	Salaries - overtime	445,000.
90.	Education/Career Incentive	25,000.
91.	In-service Training	92,000.
92.	Capital Outlay (Raised by transfer of $40,000. from the sale of Town-owned property on Central Avenue.)	40,000.
93.	Travel Out of State	1,000.

FIRE (Cont'd):

94.	Building Maintenance	76,168.
95.	Equipment and Supplies	131,610.
96.	Service Expenses	0.
97.	Equipment Maintenance	0.
139.	Leased Equipment	0.
182.	Salaries O/T Alarm Division	10,000.
183.	Station 2, Renovations	0.

CIVIL DEFENSE:

98.	Salaries	2,000.
99.	Expenses	16,746.
100.	Capital Outlay	0.

BUILDING:

101.	Salaries	116,176.
102.	Expenses	3,730.
103.	Capital Outlay	1,000.

SEALER OF WEIGHTS & MEASURES:

104.	Salaries	6,941.
105.	Expenses	1,740.

DEPARTMENT OF PUBLIC WORKS:

Administration:

106.	Salaries	162,593.
107.	Expenses	7,460.
108.	Travel Out of State	1,200.

Engineering:

109.	Salaries	249,675.
110.	Expenses	5,085.

Garage & Equipment:

111.	Salaries	179,435.
112.	Expenses	102,885.
113.	Equipment Replacement (Raised by transfer of $399,500. from the Stabilization Fund.)	399,500.

Highway:

114.	Salaries	538,059.
115.	Salaries - Parking Meter Fund (Raised by transfer of $36,000. from the Parking Meter Fund.)	36,000.
116.	Expenses	1,102,000.

Park Division:

117.	Salaries	417,573.
118.	Expenses	98,805.
119.	Capital Outlay	0.

Sewer:

120.	Salaries	409,897.
121.	Expenses	111,400.
122.	House Connections	0.
180.	MWRA Sewer Charges	1,554,039.

Snow & Emergency:

123.	Salaries - Overtime	60,000
124.	Expenses	90,000

Water:

125.	Salaries	409,134.
126.	Expenses	248,730.
127.	Main Extensions/New Services	20,000.
181.	MWRA Water Charges	119,659.

MINI-BUS:

128.	Salaries	11,345.
129.	Expenses	1,500.
130.	Bus Contract	24,400.

HUMAN SERVICES:

Board of Health:

135.	Salaries	166,527.
136.	Capital Outlay	0.
137.	Travel Out of State	500.
138.	Expenses	36,000.
141.	Mental Health	74,198.
142.	Charles River Workshop	9,746.

Veterans' Services:

145.	Salaries (Raised by transfer of $10,000. from the Parking Meter Fund and the balance of $27,214. from the current tax levy.)	37,214.
146.	Expenses and Transportation	1,000.
147.	Benefits	41,000.
184.	Expenses - Parking Clerk	3,652.

Youth Commission:

148.	Salaries	115,000.
149.	Expenses	6,810.
143.	Capital Outlay	0.

Council On Aging:

150.	Salaries	87,577.
151.	Expenses	13,740.
178.	Capital Outlay	3,000.
179.	Community Center	2,600.

DEVELOPMENT:

Planning Board:

152.	Salaries	64,313.
153.	Expenses	4,900.
154.	Capital Outlay	0.

Conservation Commission:

155.	Conservation Fund	0.
156.	Salaries	5,775.
157.	Expenses	4,800.

Board of Appeals:

158.	Salaries	5,000.
159.	Expenses	5,000.
144.	Capital Outlay	0.

Historical Commission:

160.	Expenses	555.

CULTURAL AND LEISURE SERVICES

Library:

161.	Salaries	514,425.
162.	Purchase of Services	78,950.
163.	Books & Periodicals	118,100.
164.	Building Maintenance	0.
165.	Expenses	23,750.
166.	Capital Outlay	1,475.
167.	Travel Out of State	0.

Park and Recreation:

172.	Salaries	258,094.
173.	Expenses	66,285.
174.	Travel Out of State	500.
018.	Capital Outlay	4,700.

Memorial Park:

175.	Expenses	600.
176.	Capital Outlay	0.

Mr. James C. Brierley, Jr., Chairman, Needham Finance Committee, addressed this article. He explained that due to loss of State Aid, the Town of Needham must now revise the Fiscal Year 1990 Budget. He indicated the need for a quick solution in order to send out the tax bills in a timely manner. He also noted that the larger budgetary problem facing the Town will occur in Fiscal Year 1991. He noted that the three possible short-term solutions were (1) use of Free Cash, (2) level of cutting, and (3) a combination of (1) and (2) which is what is being recommended this evening.

Using a slide projector, Mr. Brierley explained that the Finance Committee is recommending use of .3 million in Free Cash and a budget reduction of .8 million from various Town departments. The major budget cuts came from the Education, Police, Fire and Public Works Departments.

Mr. Brierley further noted that the Town faces the prospect of a 3.1 million shortfall for Fiscal Year 1991 and suggested the following alternatives: increased revenues from fees, taxes and/or sale of assets, structural changes in the form of elimination of departments and/or personnel, and non-structural changes in the form of reduced spending. He outlined the process to be taken for Fiscal Year 1991 in which the objective is to balance the budget. The first step is to select among the various alternatives. The second step is to develop a form of strategy through communication with Town Meeting Members, interested observers, and an impartial group on a monthly basis.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 2: TRANSFER OF FREE CASH

To see if the Town will vote to transfer a sum from the Free Cash Certified Account to meet, in part, appropriations made at the 1989 Annual Town Meeting and/or this Special Town Meeting, and to authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1990; or take any other action relative thereto.

MOVED: That the Town transfer the sum of $327,558. from the Free Cash Certified Account to meet, in part, appropriations made at the 1989 Annual Town Meeting and/or this Special Town Meeting, and to authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1990.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 3: PRIOR YEAR'S BILLS

To see if the Town will vote to appropriate a sum of money for the payment of charges incurred prior to Fiscal Year 1990 by various departments, such sum to be raised from the Free Cash Certified Account; or take any other action relative thereto.

A motion to postpone indefinitely the subject matter of Article 3 was offered by Mrs. Sally B. Davis.

Mrs. Davis' motion to postpone indefinitely was presented and carried unanimously by voice vote.

ARTICLE 4: OMNIBUS ARTICLE

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for, or proposed by the Selectmen, or any Town Officer or Committee; to appoint such committees as may be decided upon; and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

A motion to postpone indefinitely the subject matter of Article 4 was offered by Mrs. Sally B. Davis.

Mrs. Davis' motion to postpone indefinitely was presented and carried unanimously by voice vote.

At 8:25 P.M. Mrs. Sally B. Davis moved that the Special Town Meeting be dissolved in memory of Mary Sacks and Daniel Comiskey.

ACTION: The motion was presented and carried unanimously by voice vote.

Theodora K. Eaton, CMC,
Town Clerk

ATTEST:

ANNUAL TOWN ELECTION

April 9, 1990

Pursuant to a Warrant issued by the Selectmen March 13, 1990, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Monday, April 9, 1990 at forty-five minutes after six o'clock in the forenoon.

The meeting was called to order and the Warrant and the Officer's Return were read by the Wardens of the Precincts, the reading of the articles in the Warrant being waived upon motion.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A - Hillside School
Precinct B - Hillside School
Precinct C - Newman Middle School (Mass. Criminal Justice Training Council)
Precinct D - High Rock School
Precinct E - Pollard Middle School
Precinct F - Stephen Palmer Community Room
Precinct G - Broad Meadow School
Precinct H - Broad Meadow School
Precinct I - Mitchell School - Gymnasium
Precinct J - Mitchell School - Gymnasium

The polls were opened at forty-five minutes after six o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

ARTICLE 1 ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for One Year;
Two Selectmen for Three Years;
One Assessor for Three Years;
Two Members of School Committee for Three Years;
One Trustee of Memorial Park for Three Years;
Three Trustees of Needham Public Library for Three Years;
One Member of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Member of Needham Housing Authority for Five Years;
One Commissioner of Trust Funds for Three Years;
One Member of Park and Recreation Commission for Three Years;
Two Constables for three Years;
Eight Town Meeting Members from Precinct A for Three Years;
One Town Meeting Member from Precinct A for One Year;
Nine Town Meeting Members from Precinct B for Three Years;
One Town Meeting Member from Precinct B for Two Years;
One Town Meeting Member from Precinct B for One Year;
Eight Town Meeting Members from Precinct C for Three Years;
Nine Town Meeting Members from Precinct D for Three Years;
One Town Meeting Member from Precinct D for Two Years;
Eight Town Meeting Members from Precinct E for Three Years;
Nine Town Meeting Members from Precinct F for Three Years;
One Town Meeting Member from Precinct F for Two Years;
Nine Town Meeting Members from Precinct G for Three Years;
One Town Meeting Member from Precinct G for Two Years;
One Town Meeting Member from Precinct G for One Year;
Eight Town Meeting Members from Precinct H for Three Years;
Eight Town Meeting Members from Precinct I for Three Years;
Eight Town Meeting Members from Precinct J for Three Years.

The ballot box returns in the Precincts were as follows:

PRECINCTS		A	B	C	D	E
6:45	A.M.	0	0	0	0	0
7:00	A.M.	3	5	3	0	12
8:00	A.M.	21	33	37	27	32
9:00	A.M.	55	54	70	73	67
10:00	A.M.	78	112	102	102	103
11:00	A.M.	102	129	123	125	132
12:00	NOON	116	160	155	143	160
1:00	P.M.	144	187	193	178	186
2:00	P.M.	171	213	213	220	218
3:00	P.M.	200	240	258	257	243
4:00	P.M.	233	280	296	295	269
5:00	P.M.	257	324	366	349	311
6:00	P.M.	297	382	443	428	358
7:00	P.M.	355	427	508	483	436
8:00	P.M.	401	459	568	548	499

PRECINCTS		F	G	H	I	J
6:45	A.M.	0	0	0	0	0
7:00	A.M.	6	1	6	7	2
8:00	A.M.	47	49	20	34	30
9:00	A.M.	85	83	57	69	64
10:00	A.M.	131	104	101	117	94
11:00	A.M.	189	133	141	157	124
12:00	NOON	238	161	176	211	170
1:00	P.M.	278	182	209	230	201
2:00	P.M.	312	207	253	281	227
3:00	P.M.	339	232	296	317	265
4:00	P.M.	387	283	348	363	305
5:00	P.M.	441	336	402	427	362
6:00	P.M.	504	396	499	535	455
7:00	P.M.	588	489	552	624	547
8:00	P.M.	664	572	624	672	616

TOTAL VOTE CAST: 5,622 - 31.99%

The Town Clerk and the Board of Registrars upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10.06 P.M., April 9, 1990.

	TOWN OFFICES										
	A	B	C	D	E	F	G	H	I	J	TOTAL
Total Number of Votes Cast	401	458	568	548	499	664	572	624	672	616	5,622
MODERATOR (For one year) (Vote for One)											
Richard P. Melick	262	308	408	382	360	465	401	422	451	401	3,860
Blanks	139	150	160	166	139	199	171	202	221	215	1,762
SELECTMAN (For three years) (Vote for Two)											
Sally B. Davis	216	250	353	345	342	445	381	385	464	394	3,575
John D. Marr, Jr.	175	239	297	292	282	367	301	324	340	348	2,965
Richard T. Cashman	146	166	177	196	157	183	186	209	221	185	2,826
Richard E. Jones	122	102	118	117	75	116	103	141	130	112	1,136
Blanks	143	159	191	146	142	217	173	189	189	193	1,742
ASSESSOR (For three years) (Vote for One)											
Thomas J. Mulhern	254	298	388	356	324	456	384	417	441	386	3,704
Blanks	147	160	180	192	175	208	188	207	231	230	1,918
SCHOOL COMMITTEE (For three years) (Vote for Two)											
Jennifer Peck Fainberg	236	245	345	319	311	422	347	365	430	359	3,379
Robin F. Goldsmith	148	169	187	152	134	185	143	206	207	168	1,699
Gerald A. Wasserman	200	245	335	330	299	378	348	298	375	349	3,157
Scattered Write-Ins	1	-	-	-	1	-	-	1	-	-	3
Blanks	217	257	269	295	253	343	306	378	332	356	3,006
TRUSTEE OF MEMORIAL PARK (For three years) (Vote for One)											
John S. Gallello	260	300	390	364	330	451	385	405	419	389	3,693
Blanks	141	158	178	184	169	213	187	219	253	227	1,929
TRUSTEE OF PUBLIC LIBRARY (For three years) (Vote for Three)											
Robert D. Hall, Jr.	202	221	248	262	228	281	249	348	348	297	2,684
Thomas M. Harkins	197	240	319	296	304	394	337	339	377	353	3,156
Sally B. Powers	220	248	344	335	282	404	345	362	397	384	3,321
Gregory John Shesko	113	181	226	197	191	276	262	199	263	214	2,122
Michael L. Verdun	102	135	161	118	108	165	123	153	149	128	1,342
Blanks	369	349	406	436	384	472	400	471	482	472	4,241
BOARD OF HEALTH (For three years) (Vote for One)											
Rachel Spector	268	305	404	359	331	491	392	421	449	418	3,828
Blanks	133	153	164	189	168	183	180	203	223	198	1,794
PLANNING BOARD (For five years) (Vote for One)											
Stanley R. Tippett	250	289	405	353	319	464	388	401	447	408	3,724
Blanks	151	169	163	195	180	200	184	223	225	208	1,898
NEEDHAM HOUSING AUTHORITY (For five years) (Vote for One)											
Stephen W. Merritt	260	288	390	340	317	459	394	401	439	386	3,674
Blanks	141	170	178	208	182	205	178	223	233	230	1,948
COMMISSIONER OF TRUST FUNDS (For three years) (Vote for One)											
Gerald Swartz	258	280	385	344	316	450	378	402	426	397	3,636
Blanks	143	178	183	204	183	214	194	222	246	219	1,986
PARK AND RECREATION COMMISSION (For three years) (Vote for One)											
Eric W. Fleming	178	248	318	294	292	405	337	367	376	338	3,153
Jonathan P. Norris	145	107	128	126	79	140	116	119	149	152	1,261
Blanks	78	103	122	128	128	119	119	138	147	126	1,208
CONSTABLES (For three years) (Vote for Two)											
Frank H. Reinhardt, Jr.	222	246	352	325	274	391	329	352	393	344	3,228
Walter A. Wright, Jr.	237	262	351	326	276	421	351	371	406	367	3,368
Blanks	343	408	433	445	448	516	464	525	545	521	4,648

TOWN MEETING MEMBERS

* Not Elected

PRECINCT A (For three years)(Vote for Eight)

Richard S. Creem	208	Sydney Randall	199
Kathryn L. D'Addesio	227	Herbert Robinson	211
Stephen Hamburger	203	Sylvia Shapiro	219
Hertz N. Henkoff	205	Carolyn M. Spiros	218

PRECINCT A (For one year)(Vote for One)

Ruth P. Siskowitz	232

PRECINCT B (For three years)(Vote for Nine)

Roland V. Butler	228	Eric D. Sockol	238
Robert E. Evans	251	James B. Stallings	207
Sandra E. Jaszek	214	Frederick Waldman	218
Lee B. Manning	214	John F. Whalen, Jr.	246
Meredith P. Page	233		

PRECINCT B (For two years)(Vote for One)

Donald F. Russell	261

PRECINCT B (For one year)(Vote for One)

Peter B. Johnson	248	* Richard B. Remnitz	97

PRECINCT C (For three years)(Vote for Eight)

John H. Cogswell	321	Write-Ins:	
Stanton H. Davis	336	Andrew J. Oliveri	32
Judith P. Lebow	318	* Sheila G. Pransky	31
J. Darrison Sillesky	290	* Daniel P. Messing	13
Russell S. Broad, Jr.	356	* George S. Pultz	10
William H. Dugan, Jr.	324	* Scattered Write-Ins	11
Kathleen R. McIntosh	338		

PRECINCT D (For three years)(Vote for Nine)

Bradford S. Barnes	293	Cynthia L. Conturie	285
Jonathan M. Davis	287	Joseph Pitts	309
Cynthia A. Ganung	291	Write-Ins:	
Richard Malconian	301	Robert Todd Pratt	18
Joyce S. Rockmore	307	* Ivan D. Mamarchev	4
Thomas F. Soisson	293	* Walter F. McDonough	3
		* Scattered Write-Ins	8

PRECINCT D (For two years)(Vote for One)

Gary J. Uhl	327

PRECINCT E (For three years)(Vote for Eight)

Frederick E. Barstow	274	Susan R. Posner	288
William C. Bauer	252	David Summergrad	272
Donald E. Kidd	282	Carol A. Tracy	275
Carol S. Knapton	268	John P. Connelly	247
* Gary Petrini	232		

PRECINCT F (For three years)(Vote for Nine)

Alden Eberly	326	Joanne Hull Roth	329
Eric W. Fleming	383	Arthur M. Tiernan, Jr.	321
Edith B. Martin	349	Sarah Ann Toran	347
John F. Milligan	347	Richard W. Gatto	404
James Hugh Powers	370	* Michael L. Verdun	259

TOWN MEETING MEMBERS

* Not Elected

PRECINCT F (For two years)(Vote for One)

Dexter H. Marsh, Jr.	408

PRECINCT G (For three years)(Vote for Nine)

Patricia B. Buckley	333	Mary T. Riddell	286
Robert E. Chase	283	John J. Ryan	299
Carol H. deLemos	308	Richard B. Weitzen	245
Kathleen J. O'Keefe	319	Deborah C. Wentworth	282
Paul Theodore Owens	274	* Richard T. Cashman	242
		Scattered Write-In	1

PRECINCT G (For two years)(Vote for One)

No Candidate Filed		* Dorothy E. Dempsey	6
Write-Ins:		Scattered Write-Ins	5
Sheila G. Pulver	35		
* Helen K. Hicks	12		

PRECINCT G (For one year)(Vote for One)

Mary Ann Oldfield	361

PRECINCT H (For three years)(Vote for Eight)

Robert M. Carter	346	Barbara R. Wilmot	329
Eugene D. McMorrow	363	Caroline Q. McElroy	323
Eleanor Nutile	318	* Gerald F. Sarno	286
Leroy J. Mutile	299	Hugh B. Sheridan, Jr.	376
John F. O'Rourke	369		

PRECINCT I (For three years)(Vote for Eight)

Paul H. Attridge	336	John E. Merna	284
Elizabeth A. Giles	368	* Gerald C. Rovner	249
Robert D. Hall, Jr.	322	Thomas O. Bean	282
Susanne D. Hughes	346	* Erna S. J. Place	253
Noreen C. Kavanaugh	269	Nancy L. Wilson	326

PRECINCT J (For three years)(Vote for Eight)

Thomas E. Caulfield	303	Emily M. Salaun	238
Jeanne Durkin Gerber	312	Lynne D. Stern	266
Mary Claire Markarian	291	* Bobbie Alicen	169
William J. Miles	329	* Marie Ellen Carroll-Rogan	196
Andrew Picariello	298	* Carol R. Lintz	217
John R. Prihoda	264		

The ballots cast in the several precincts were returned to the Town Clerk in the sealed containers. The voting lists used at the entrances to the polling places and at the ballot boxes and a copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10.06 P.M., April 9, 1990.

Theodora K. Eaton, CMC
Town Clerk

ATTEST:

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RECOUNT OF VOTES CAST FOR WRITE-IN VOTES FOR TOWN MEETING MEMBERS IN PRECINCT C

April 25, 1990

A petition having been filed for a recount of the votes cast for write-in candidates for Town Meeting Members in Precinct C at the Town Election held April 9, 1990, the recount was conducted under the provisions of Chapter 54, Section 135 of the General Laws, as amended. A canvass of all votes cast for that office was held in the Data Processing Department at the Town Hall on Wednesday, April 25, 1990, at 7:00 P.M. Mr. Andrew J. Oliveri and Mrs. Sheila G. Pransky observed the recount. The recount was held under the supervision of the Board of Registrars, with the following results:

John H. Cogswell	321
Stanton H. Davis	336
Judith P. Lebow	319
J. Darrison Sillesky	291
Russell S. Broad, Jr.	357
William H. Dugan, Jr.	324
Kathleen R. McIntosh	338
Blanks	2161

Write-Ins:

Andrew J. Oliveri	32
Sheila G. Pransky	32
Daniel P. Messing	13
George S. Pultz	10
Robert W. Nelson	2
Denise Garlick	2
Joseph Silverman	2
Eric Leskowtiz	1
Gloria Fox	1
Evelyn D. Dow	1
Sally Dugan	1
TOTAL VOTES CAST	4544

The canvass was completed at 8:48 P.M., April 25, 1990, and the ballots were repacked in the container which was sealed and placed in the custody of the Town Clerk.

Theodora K. Eaton, CMC,
Town Clerk
Clerk of the Board of Registrars

ELECTION
(To Break Tie Vote in Precinct C for Town Meeting Member)

May 2, 1990
7:00 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct C was held on Wednesday evening, May 2, 1990, at 7:00 P.M. for the purpose of electing one of two candidates receiving tie votes for a three-year term at the recount held on April 25, 1990 of the votes cast for write-in candidates at the Annual Town Election held April 9, 1990. A quorum was present; ballots were cast with the following results:

Andrew J. Oliveri	8 votes
Sheila G. Pransky	9 votes

Theodora K. Eaton, CMC,
Town Clerk

ANNUAL TOWN MEETING FOR THE
TRANSACTION OF BUSINESS

May 7, 1990

Pursuant to a Warrant issued by the Selectmen March 13, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Derwood A. Newman Middle School on Monday, May 7, 1990, at 7:30 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Checklists were used and 295 voters, including 240 Town Meeting Members, were checked on the list as being present.

The "Songsters", a singing group of fifteen women from the Council on Aging Stephen Palmer Senior Center, performed prior to the call to the meeting.

The meeting was called to order at 7:30 o'clock by the Moderator, Richard P. Melick. The colors were presented by Eagle Scout Jonathan Tower of Troop 10 and Girl Scout Kori Cowles of Troop 404 while those present joined the "Songsters" in singing "America, The Beautiful".

In the absence of a member of the clergy, Richard P. Melick gave the invocation. Following this, the call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Town Meeting Members were sworn to the faithful performance of their duties by the Town Clerk.

The Moderator announced the following ground rules and these were adopted unanimously:

1. A speaker will be ruled out of order who refers to personalities. Let us remember that we are one Town Meeting Family with a common goal: the best interest of the community.

2. Rise to be recognized and address the chair; speak your name so that the Town Clerk can complete her records.

3. Disclosure required by one employed as an attorney by another who is interested in a matter; General By-Law, Art. I, Section 5.

4. Any speaker who addresses the merits of a matter shall not be permitted to place on the floor immediately following the speaker's remarks, a motion to move the previous question or a motion to limit debate; General By-Laws, Art. I, Section 8.

5. If lengthy or complicated motions are not drafted and reviewed by the Moderator prior to being placed on the floor, then the speaker will yield the floor to another speaker while the drafting and formulation process is occurring. Short motions to amend and procedural motions need not be in writing.

6. Parliamentary procedures known as "points of information" and "points of order" shall be strictly construed so as not to elongate or permit debate after a motion to move the previous question has been voted in the affirmative.

7. Limits of debate shall be enforced.

8. Questions asked for general information purposes unnecessary for the consideration of the matter on the floor shall be ruled out of order.

9. If a speaker either makes any reference whatsoever to the existence or presence of cameras within the hall or within the sole discretion of the Moderator it is believed that the remarks of the speaker are in any way affected by the existence of the cameras, then in either event the speaker will be ruled out of order and requested to immediately be seated.

10. After a motion to put the previous question has been voted, a member may rise to a point of information only to inquire (1) what the motion or motions are that are to be put pursuant to said vote, or (2) to ask as to the order in which motions are to be so put if there be more than one motion to be voted upon, and for no other purpose.

Unanimous consent was given to adopt the following limits of debate:

25 minutes - Committee Chairmen, proponents, attorneys representing proponents; subject to extension at the discretion of the Moderator in cases of a building committee report or the like.

10 minutes - Town Meeting Members, non-town meeting members, visitors other than attorneys.

Changes in affirmative motions contrasted with articles were noted by the Moderator.

The Moderator announced that the proponents of Article 20 requested unanimous consent to withdraw this article, and it was so voted unanimously.

The Moderator asked unanimous consent to omit the reading of the articles and to refer to them by number only. Any Town Meeting Member who wished to "question" or "debate" should so indicate when the number was called and those articles not so indicated would be adopted by unanimous consent. There was no objection and the Moderator declared this method to be adopted unanimously.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 2. No Town Meeting Member responded with "question" or "debate" to the following articles: 2, 4 and 42.

The Moderator called each of the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. The Moderator stated that the Town Counsel had filed copies of an affirmative motion for each article with the Town Clerk on April 25, 1990, and that the motions had been available for public scrutiny since that date. It was moved that all affirmative motions for the above-mentioned articles be adopted by unanimous consent. It was so unanimously voted and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 2

To hear and act on the reports of Town Officers and Committees.

MOVED: That the Town accept and act on the reports of Town Officers and Committees.

ACTION: So voted by unanimous vote.

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money, from time to time in anticipation of the revenue of the financial year beginning July 1, 1990 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within a year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17; or take any other action relative thereto.

MOVED: That the Town authorize the Board of Selectmen to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads.

ACTION: So voted by unanimous vote.

ARTICLE 42

To see if the Town will vote to continue the Police and Fire Facilities Building Committee, its members to be appointed by Town bodies as originally established by vote under Article 56 of the 1987 Annual Town Meeting and last continued by vote under Article 60 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue its work of overseeing the development and implementation of plans to renovate and expand the facilities of the Police and Fire Departments; said Committee to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Police and Fire Facilities Building Committee, its members to be appointed by Town bodies as originally established by vote under Article 56 of the 1987 Annual Town Meeting and last continued by vote under Article 60 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue its work of overseeing the development and implementation of plans to renovate and expand the facilities of the Police and Fire Departments; said Committee to report to the next Annual Town Meeting or sooner.

ACTION: So voted by unanimous vote.

At this time the Moderator proceeded to the remaining articles in the Warrant.

A motion to advance Article 36, Operating Budget, to be the first order of business on Wednesday, May 9, 1990, was offered by Mr. Robert D. Hall, Jr. In addressing his motion, Mr. Hall indicated that Town Meeting may find money in the Finance Committee's budget that would eliminate the need for an override election. While Mr. Hall noted that a motion to advance an article in Town Meeting Time requires a majority of two-thirds vote, the Moderator stated that he has required unanimous consent to advance all articles in the past and for purposes of continuity, the requirement would continue.

Mr. Hall's motion to advance Article 36, Operating Budget, was presented, but it failed to pass by unanimous consent. Mr. Hall rose to request a roll call vote and was joined by more than the required 25 Town Meeting Members (General By-Law, Art. I, Section 7). The motion was presented, but it failed to pass. The roll call was Yes 153 - No 78.

ARTICLE 3

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money, from time to time in anticipation of the revenue of the financial year beginning July 1, 1990 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within a year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17; or take any other action relative thereto.

MOVED: That the Town authorize the Town Treasurer, with the approval of the Selectmen, to borrow money, from time to time in anticipation of the revenue of the financial year beginning July 1, 1990 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within a year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17.

A motion to amend was offered by Mr. Robert D. Hall, Jr. to insert after the words "to borrow money," the words "only to the extent that adequate funds are included in the approved 1990-1991 budget to pay the entire interest levied on any such money that may be borrowed".

David S. Tobin, Town Counsel, advised that the amendment is inappropriate in that the Town is committed under M.G.L. Chapter 44, Section 4 to pay off the note or notes within one or two years.

Mr. Hall urged support of this amendment indicating that this Article gives the Treasurer and the Board of Selectmen carte blanche to borrow any amount of money and this amendment puts a restraint on borrowing power.

Mr. H. Phillip Garrity, Jr., Selectman, stated that Line Item 45, Bond Interest, provides the funding request for Fiscal Year 1991 and that the Board of Selectmen do not have unlimited borrowing power. He urged defeat of the motion to amend. Mr. Vincent C. Nuccio reminded Town Meeting Members that this is one of the articles mentioned in the Moderator's letter which might be uncontroversial because it has been a standard article for many years.

A motion to move the previous question on the main motion and the motion to amend was offered by Jr. John J. Ryan. The motion was presented and carried unanimously by voice vote.

The motion to amend was presented, but it failed to pass by voice vote.

MOVED: The main motion was presented and carried unanimously by voice vote.

ARTICLE 4 was adopted unanimously earlier.

ARTICLE 5

To see if the Town will vote to accept the following street or portion thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen according to plans on file with the Town Clerk:

NON-BETTERMENT

CONCANNON CIRCLE - Rosemary Street to end - a distance of 192 feet northerly.

including the taking or acceptance of easements as shown on said plans; or take any other action relative thereto.

MOVED: That the Town accept the following street or portion thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen according to plans on file with the Town Clerk:

NON-BETTERMENT

CONCANNON CIRCLE - Rosemary Street to end - a distance of 192 feet northerly.

including the taking or acceptance of easements as shown on said plans.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 6

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 57; or take any other action relative thereto.

Summary

This legislation allows the Town to revoke or suspend any local license or permit issued by any department to any person, corporation or business who has failed to pay local taxes, fees, assessments, betterments or other municipal charges.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 57.

Mrs. Sally B. Davis, Selectman, addressed this article on behalf of the Board of Selectmen. She noted that acceptance of M.G.L. Chapter 40, Section 57 would provide a quick and efficient method of collecting money owed the Town.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 7

To see if the Town will vote, in accordance with Massachusetts General Laws Chapter 40, Section 8H, to establish a recycling program for the purpose of recycling any or all types of solid waste, including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste for which the Board of Selectmen may establish rules and regulations which may require that all residents, schools and businesses separate such recyclables from their solid waste, and, further, authorize the Board of Selectmen to enter into any agreements for the purpose of a joint recycling program in accordance with Massachusetts General Laws Chapter 40, Sections 8H and 4A, where applicable; or take any other action relative thereto.

MOVED: That the Town establish, in accordance with M.G.L. Chapter 40, Section 8H, a recycling program for the purpose of recycling any or all types of solid waste, including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste for which the Board of Selectmen may establish rules and regulations which may require that all residents, schools and businesses separate such recyclables from their solid waste, and, further, authorize the Board of Selectmen to enter into any agreements for the purpose of a joint recycling program in accordance with M.G.L. Chapter 40, Sections 8H and 4A, where applicable.

Unanimous consent was given to allow Roger Stolte, non-resident and Highway Superintendent, to address Town Meeting.

Mrs. Sally B. Davis, Selectman, addressed this article on behalf of the Board of Selectmen. She indicated that the Committee is trying to design and implement an effective recycling program. Mrs. Joan Johnson, a member of the Recycling Committee, outlined the Solid Waste Stream in the Commonwealth stating that recycling is just one part of solid waste management. Mr. Roger Stolte explained how his department is currently addressing three general areas of recycling - yard waste, glass and paper. He illustrated current future cost avoidance methods.

Mrs. Davis further noted that part of this article is enabling legislation that, if passed, would require mandatory recycling of glass, paper and yard waste effective July 1, 1990. The second part of Article 7 authorizes the Board of Selectmen to join a regional recycling program. Mr. Phillip H. Wiggin, Chairman, Solid Waste Disposal Study Committee, also urged support of this article.

Mr. David L. Gillmeister expressed concern that this article is a little premature in that there is no mechanism in place at the disposal area to handle this initial recycling phase plus the issuance of citations and fines to citizens who are not aware of this recycling program. He also suggested this article be postponed until next year.

Mr. Russell S. Broad, Jr. supported recycling. He noted that the Town of Wellesley has been recycling for years and that it saves tax dollars.

A motion to amend was offered by Mr. Robert Y. Larsen to strike the word "may" after the word "Selectmen" in line six and insert in place thereof the word "shall", to strike the word "may" at the end of line six and insert in place thereof the word "would", and to strike the word "such" in line eight and insert in place thereof the word "certain".

The following Town Meeting Members favored recycling, but expressed concern with the proposed fine process: Joyce S. Rockmore, Elinor R. Devlin, Thomas N. Alpert, and Lee B. Manning. Mr. Leroy J. Nutile questioned how the Town would enforce commercial recycling. Mrs. Barbara K. Popper urged support of the original motion.

A motion to move the previous question on the main motion and the motion to amend was offered by Mr. Charles W. Wyckoff. The motion was presented and it carried unanimously by voice vote.

Mr. Larsen's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 8

To see if the Town will vote to approve and to raise and appropriate a sum of money for the lease with an option to purchase new equipment for various departments; determine how such sum shall be raised and how expended; or take any other action relative thereto.

MOVED: That the Town approve and raise and appropriate a sum of money for the lease with an option to purchase new equipment for various departments; determine how such sum shall be raised and how expended.

A motion that the subject matter of Article 8, including the main affirmative motion presently on the floor, be continued to a time certain, specifically until the Special Town Meeting noticed for May 21, 1990 is dissolved, was offered by Mrs. Sally B. Davis. The motion to continue to a time certain was presented and carried by voice vote.

ARTICLE 9

To see if the Town will vote to amend the Zoning By-Law by establishing a new district, Chestnut Street Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Chestnut Street Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited," and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Chestnut Street Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Chestnut Street Business District. The following schedule of use regulations shall apply in a Chestnut Street Business District:

USE	CSB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y

Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	SP
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment; car wash	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical Clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N

ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft., is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by adding the following new paragraph (c):

"(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 0.7."

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing second sentence and by substituting in its place the following new second sentence:

"Notwithstanding the above, no building or structure which is located on property in the Chestnut Street Business District shall exceed two and one-half (2½) stores, including ground level covered or enclosed parking, no more than two (2) stories of which shall be occupied except for storage, nor shall the same exceed a total height of 35 feet."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new second paragraph as follows:

"On both sides of Chestnut Street in the Chestnut Street Business District, there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new second paragraph with four subparagraphs as follows:

"Where a lot in a Chestnut Street Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure. Where a lot in the Chestnut Street Business District is adjacent to the MBTA commuter railroad right-of-way, the 50-foot buffer requirement shall not apply; however, adjacent to said right-of-way there shall be a 10-foot buffer which shall be suitably landscaped per the specifications outlined below and which shall not be used for any purpose."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(h) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.9. as follows:

"4.4.9. Building Entrances on Chestnut Street. First-floor businesses shall have individual entrances accessed from the exterior of the building, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be available from one or more streets on which the building fronts and, if the building fronts on Chestnut Street, the primary building entrances must be from that street, unless lot configuration makes it impracticable to place all individual entrances on Chestnut Street."

(i) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Requirements for Business and Chestnut Street Business Districts"

(j) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(k) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In a Chestnut Street Business District, a MAJOR PROJECT is any construction project which involves: the new construction or reconstruction of any amount of gross floor area; or an increase in gross floor area of 1,000 or more square feet; or any project which results in the creation of 10 or more new off-street parking spaces; or any project which results in any new curb- or driveway-cut."

"In a Chestnut Street Business District, a MINOR PROJECT is any construction project which involves an increase in gross floor area of less than 1,000 square feet - and the project cannot be defined as a Major Project."

(l) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Chestnut Street Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single- and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review."

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law by establishing a new district, "Chestnut Street Business District", and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Chestnut Street Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited," and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Chestnut Street Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Chestnut Street Business District. The following schedule of use regulations shall apply in a Chestnut Street Business District:

USE	CSB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP

Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	SP
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N

Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical Clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft., is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by adding the following new paragraph (c):

"(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 0.7."

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing second sentence and by substituting in its place the following new second sentence:

"Notwithstanding the above, no building or structure which is located on property in the Chestnut Street Business District shall exceed two and one-half (2½) stores, including ground level covered or enclosed parking, no more than two (2) stories of which shall be occupied except for storage, nor shall the same exceed a total height of 35 feet."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new second paragraph as follows:

"On both sides of Chestnut Street in the Chestnut Street Business District, there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new second paragraph with four subparagraphs as follows:

"Where a lot in a Chestnut Street Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure. Where a lot in the Chestnut Street Business District is adjacent to the MBTA commuter railroad right-of-way, the 50-foot buffer requirement shall not apply; however, adjacent to said right-of-way there shall be a 10-foot buffer which shall be suitably landscaped per the specifications outlined below and which shall not be used for any purpose."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(h) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.9. as follows:

"4.4.9. Building Entrances on Chestnut Street. First-floor businesses shall have individual entrances accessed from the exterior of the building, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be available from one or more streets on which the building fronts and, if the building fronts on Chestnut Street, the primary building entrances must be from that street, unless lot configuration makes it impracticable to place all individual entrances on Chestnut Street."

(i) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Requirements for Business and Chestnut Street Business Districts"

(j) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(k) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In a Chestnut Street Business District, a MAJOR PROJECT is any construction project which involves: the new construction or reconstruction of any amount of gross floor area; or an increase in gross floor area of 1,000 or more square feet; or any project which results in the creation of 10 or more new off-street parking spaces; or any project which results in any new curb- or driveway-cut."

"In a Chestnut Street Business District, a MINOR PROJECT is any construction project which involves an increase in gross floor area of less than 1,000 square feet - and the project cannot be defined as a Major Project."

(l) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Chestnut Street Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single- and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review."

A motion to postpone the subject matter of Article 9 to a time certain, specifically to the first item of business on Wednesday, May 9, 1990, was offered by Mr. Stanley R. Tippett. The motion to postpone was presented and carried unanimously by voice vote.

ARTICLE 10

To see if the Town will vote to amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Chestnut Street Business District two certain areas bounded and described as follows:

(a) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of School Street and Chestnut Street; then running northerly along the centerline of Chestnut Street to a point where it intersects with the centerline of Keith Place; then running westerly along the centerline of Keith Place to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, said right-of-way centerline being the boundary line between the existing Business District and an Industrial District; then running southerly along said boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line between the existing Business District and a Single Residence B District; then running northerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly and northerly along said zoning boundary line to a point where it coincides with the boundary line between the existing Business District and a General Residence District; then running northerly, westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District, which is coincidental with the centerline of School Street; then running westerly along said street centerline to the beginning point."

(b) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of May Street and Garden Street; then running southerly, southwesterly and southeasterly along said zoning boundary line, which coincides with the centerline of Garden Street, to a point where it intersects with the centerline of Eaton Square; then running easterly, southeasterly and southerly along the centerline of Eaton Square to a point where it intersects with a line drawn perpendicular from the southernmost point of Parcel 17, Assessors' Plan 51; then running easterly along said perpendicular drawn line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running northerly along said right-of-way centerline to a point where it intersects with the centerline of May Street, said street centerline being the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The two geographical areas described above are also shown on a map kept on file in the Planning Board office; or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Chestnut Street Business District two certain areas bounded and described as follows:

(a) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of School Street and Chestnut Street; then running northerly along the centerline of Chestnut Street to a point where it intersects with the centerline of Keith Place; then running westerly along the centerline of Keith Place to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, said right-of-way centerline being the boundary line between the existing Business District and an Industrial District; then running southerly along said boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line between the existing Business District and a Single Residence B District; then running northerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly and northerly along said zoning boundary line to a point where it coincides with the boundary line between the existing Business District and a General Residence District; then running northerly, westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District, which is coincidental with the centerline of School Street; then running westerly along said street centerline to the beginning point."

(b) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of May Street and Garden Street; then running southerly, southwesterly and southeasterly along said zoning boundary line, which coincides with the centerline of Garden Street, to a point where it intersects with the centerline of Eaton Square; then running easterly, southeasterly and southerly along the centerline of Eaton Square to a point where it intersects with a line drawn perpendicular from the southernmost point of Parcel 17, Assessors' Plan 51; then running easterly along said perpendicular drawn line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running northerly along said right-of-way centerline to a point where it intersects with the centerline of May Street, said street centerline being the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The two geographical areas described above are also shown on a map kept on file in the Planning Board office.

A motion to postpone the subject matter of Article 10 to a time certain, specifically after Article 9 has been disposed of on Wednesday, May 9, 1990. The motion to postpone was presented and carried unanimously by voice vote.

ARTICLE 11

To see if the Town will vote to amend the Zoning By-Law by establishing a new district, Center Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Center Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CB	Center Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited", and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Center Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Center Business District. The following schedule of use regulations shall apply in the Center Business District:

USE	CB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single-family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	Y
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y

Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y*
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	N
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y*
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N

* On second floor only

* Under 1,000 square feet of gross floor area

Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft. is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by deleting the existing paragraph (b) and by substituting in its place the following new paragraph (b):

> "(b) Buildings and structures which are located on property in the Center Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 1.0 or the floor area ratio in existence on January 1, 1990, whichever is greater. (See also Section 4.4.5.)"

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing first sentence and by substituting in its place the following new first sentence (new language underlined):

> "In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for occupancy other than storage."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new third paragraph as follows:

> In the Center Business District, there shall be a front setback of three (3) feet or a setback consistent with the average of the setbacks of the two adjacent buildings, whichever is smaller."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.5. Driveway Openings, by adding the following three new paragraphs:

> "In the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street shall be allowed."

> "In the Center Business District, where access to the rear of a parcel is not available as described above, vehicular access for parking and loading areas shall be from shared or common access driveways, rather than from individual driveways at each parcel. In the Center Business District, the Planning Board acting as a special permit granting authority may issue a Special Permit that increases the maximum floor area ratio of a specified parcel to 1.2, where the use of a shared access or driveway eliminates the need for providing an individual driveway on that parcel."

> "In that portion of a lot contained within the required front setback, there may be constructed not more than one (1) driveway for every one hundred (100) feet or less of frontage on each way in the Center Business District. Driveways shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. Driveways shall be located a minimum of fifty (50) feet from the property line at the nearest street intersection in the Center Business District. The width of a driveway for one-way traffic shall be a minimum of twelve (12) feet and a

maximum of eighteen (18) feet, as measured at its narrowest point. A Special Permit granted by the Planning Board shall be required for one-way driveways over twelve (12) feet in width in the Center Business District. The width of a driveway for two-way traffic shall be a minimum of eighteen (18) feet and a maximum of twenty-five (25) feet, as measured at its narrowest point."

(h) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.6 Enclosed Parking, by adding new second and third paragraphs as follows:

"In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to the enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade."

"Municipal parking facilities in the Center Business District shall be exempt from this provision."

(i) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new third paragraph with four subparagraphs as follows:

"Where a lot in a Center Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(j) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.10. as follows:

"4.4.10. Building Entrances in the Center Business District. First-floor businesses shall have individual entrances accessed from the street, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be located on one or more streets on which the building fronts and, if the building fronts on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street, the primary building entrances must be located on those streets."

(k) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.11. as follows:

"4.4.11. Driveways for the purpose of providing drive-through customer service shall not be allowed in the Center Business District."

(l) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Regulations for Business, Chestnut Street Business and Center Business Districts."

(m) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(n) In Section 5.1. Off-Street Parking Requirements, Subsection 5.1.1. Applicability, by changing the designation of the existing subsection 5.1.1.6. Applicability for Parking Areas, to subsection 5.1.1.7. and by adding the following new subsection 5.1.1.6:

"5.1.1.6. Special Permit in the Center Business District. In the Center Business District (CBD) the Planning Board acting as a special permit granting authority may issue a Special Permit waiving all or a lesser number of the off-street parking spaces required under Section 5.1.2., if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable."

(o) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area, or which changes an exterior facade."

(p) In Section 7.6. Planning Board, Subsection 7.6.1. Special Permit Granting Authority, by adding the following underlined language to the first sentence, so that it shall read as follows (new language underlined):

> "The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 4.2.4., 4.2.5., 4.2.6., 4.4.5., 4.4.9., 4.4.10., 5.1.1.6., and 7.4. of this By-Law."

(q) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Center Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

> "The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Industrial District, Industrial-1 District, Center Business District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review.

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law by establishing a new district, Center Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Center Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CB	Center Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited", and the last sentence:

> "In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Center Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Center Business District. The following schedule of use regulations shall apply in the Center Business District:

USE	CB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single-family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	Y

The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y*
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	N
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y*

* On second floor only

* Under 1,000 square feet of gross floor area

MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft. is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by deleting the existing paragraph (b) and by substituting in its place the following new paragraph (b):

> "(b) Buildings and structures which are located on property in the Center Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 1.0 or the floor area ratio in existence on January 1, 1990, whichever is greater. (See also Section 4.4.5.)"

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing first sentence and by substituting in its place the following new first sentence (new language underlined):

> "In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for occupancy other than storage."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new third paragraph as follows:

In the Center Business District, there shall be a front setback of three (3) feet or a setback consistent with the average of the setbacks of the two adjacent buildings, whichever is smaller."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.5. Driveway Openings, by adding the following three new paragraphs:

"In the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street shall be allowed."

"In the Center Business District, where access to the rear of a parcel is not available as described above, vehicular access for parking and loading areas shall be from shared or common access driveways, rather than from individual driveways at each parcel. In the Center Business District, the Planning Board acting as a special permit granting authority may issue a Special Permit that increases the maximum floor area ratio of a specified parcel to 1.2, where the use of a shared access or driveway eliminates the need for providing an individual driveway on that parcel."

"In that portion of a lot contained within the required front setback, there may be constructed not more than one (1) driveway for every one hundred (100) feet or less of frontage on each way in the Center Business District. Driveways shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. Driveways shall be located a minimum of fifty (50) feet from the property line at the nearest street intersection in the Center Business District. The width of a driveway for one-way traffic shall be a minimum of twelve (12) feet and a maximum of eighteen (18) feet, as measured at its narrowest point. A Special Permit granted by the Planning Board shall be required for one-way driveways over twelve (12) feet in width in the Center Business District. The width of a driveway for two-way traffic shall be a minimum of eighteen (18) feet and a maximum of twenty-five (25) feet, as measured at its narrowest point."

(h) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.6 Enclosed Parking, by adding new second and third paragraphs as follows:

"In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to the enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade."

"Municipal parking facilities in the Center Business District shall be exempt from this provision."

(i) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new third paragraph with four subparagraphs as follows:

"Where a lot in a Center Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(j) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.10. as follows:

"4.4.10. Building Entrances in the Center Business District. First-floor businesses shall have individual entrances accessed from the street, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be located on one or more streets on which the building fronts and, if the building fronts on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street, the primary building entrances must be located on those streets."

(k) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.11. as follows:

"4.4.11. Driveways for the purpose of providing drive-through customer service shall not be allowed in the Center Business District."

(l) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Regulations for Business, Chestnut Street Business and Center Business Districts."

(m) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(n) In Section 5.1. Off-Street Parking Requirements, Subsection 5.1.1. Applicability, by changing the designation of the existing subsection 5.1.1.6. Applicability for Parking Areas, to subsection 5.1.1.7. and by adding the following new subsection 5.1.1.6:

"5.1.1.6. Special Permit in the Center Business District. In the Center Business District (CBD) the Planning Board acting as a special permit granting authority may issue a Special Permit waiving all or a lesser number of the off-street parking spaces required under Section 5.1.2., if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable."

(o) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area, or which changes an exterior facade."

(p) In Section 7.6. Planning Board, Subsection 7.6.1. Special Permit Granting Authority, by adding the following underlined language to the first sentence, so that it shall read as follows (new language underlined):

"The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 4.2.4., 4.2.5., 4.2.6., 4.4.5., 4.4.9., 4.4.10., 5.1.1.6., and 7.4. of this By-Law."

(q) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Center Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Industrial District, Industrial-1 District, Center Business District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review.

A motion to postpone the subject matter of Article 11 to a time certain, specifically after Article 10 has been disposed of on Wednesday, May 9, 1990. The motion to postpone was presented and carried unanimously by voice vote.

ARTICLE 12

To see if the Town will vote to amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Center Business District a certain area bounded and described as follows:

"Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of Great Plain Avenue and Pickering Street; then running northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to a point where it intersects with the centerline of Highland Avenue; then running northerly along said centerline of Highland Avenue to a point where it intersects with the centerline of May Street; then running westerly along said centerline of May Street to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running southerly along said right-of-way centerline to a point where it intersects with a line drawn through the southernmost point of Parcel 17, Assessors' Plan 51 and also drawn perpendicular to the centerline of Eaton Square; then running westerly along said drawn line to a point where it intersects with the centerline of Eaton Square; then running northerly, northwesterly and westerly along said street centerline to a point where it intersects with the centerline of Garden Street; then running southerly along the centerline of Garden Street, which coincides with the boundary line between the existing Business District and a Single Residence B District to a point where said zoning boundary line turns westerly; then running westerly, northerly, westerly, northerly and westerly along said zoning boundary line to a point where it intersects with the centerline of Nehoiden Street; then running southeasterly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Great Plain Avenue; then running westerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Linden Street; then running southerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where said zoning boundary line turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and an Industrial District; then running northerly and easterly along said zoning boundary line to a

point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, which coincides with the boundary line between the existing Business District and an Industrial District; then running southerly along said right-of-way centerline to a point where it intersects with the extended centerline of Keith Place; then running easterly along said street centerline to a point where it intersects with the centerline of Chestnut Street; then running southerly along said street centerline to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the centerline of Lincoln Street, which coincides with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it intersects with the centerline of Dedham Avenue, which coincides with the boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line to a point where it turns northeasterly; then running northeasterly, southeasterly and northeasterly along said zoning boundary line to a point where it intersects with a boundary line between the existing Business District and a Single Residence B District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the centerline of Great Plain Avenue, which coincides with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The geographical area described above is also shown on a map kept on file in the Planning Board office. (It should be noted that the Town Hall and Common property, Parcels 1 and 81 on Assessors' Plan 51, are currently zoned Single Residence B and is therefore not included in the Zoning Map change described under this article.); or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Center Business District a certain area bounded and described as follows:

"Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of Great Plain Avenue and Pickering Street; then running northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to a point where it intersects with the centerline of Highland Avenue; then running northerly along said centerline of Highland Avenue to a point where it intersects with the centerline of May Street; then running westerly along said centerline of May Street to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running southerly along said right-of-way centerline to a point where it intersects with a line drawn through the southernmost point of Parcel 17, Assessors' Plan 51 and also drawn perpendicular to the centerline of Eaton Square; then running westerly along said drawn line to a point where it intersects with the centerline of Eaton Square; then running northerly, northwesterly and westerly along said street centerline to a point where it intersects with the centerline of Garden Street; then running southerly along the centerline of Garden Street, which coincides with the boundary line between the existing Business District and a Single Residence B District to a point where said zoning boundary line turns westerly; then running westerly, northerly, westerly, northerly and westerly along said zoning boundary line to a point where it intersects with the centerline of Nehoiden Street; then running southeasterly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Great Plain Avenue; then running westerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Linden Street; then running southerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where said zoning boundary line turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and an Industrial District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, which coincides with the boundary line between the existing Business District and an Industrial District; then running southerly along said right-of-way centerline to a point where it intersects with the extended centerline of Keith Place; then running easterly along said street centerline to a point where it intersects with the centerline of Chestnut Street; then running southerly along said street centerline to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the centerline of Lincoln Street, which coincides with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it intersects with the centerline of Dedham Avenue, which coincides with the boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line to a point where it turns northeasterly; then running northeasterly, southeasterly and northeasterly along said zoning boundary line to a point where it intersects with a boundary line between the existing Business District and a Single Residence B District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the centerline of Great Plain Avenue, which coincides with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The geographical area described above is also shown on a map kept on file in the Planning Board office. (It should be noted that the Town Hall and Common property, Parcels 1 and 81 on Assessors' Plan 51, are currently zoned Single Residence B and is therefore not included in the Zoning Map change described under this article.)

A motion to postpone the subject matter of Article 12 to a time certain, specifically after Article 11 has been disposed of on Wednesday, May 9,1990. The motion to postpone was presented and carried unanimously by voice vote.

ARTICLE 13

To see if the Town will vote to amend the Zoning By-Law, Section 3.3. Uses in Flood Plain District, by adding a new subsection 3.3.5., as follows:

"3.3.5. National Flood Insurance Program (NFIP) Requirements. Reference is hereby made to the Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated June 5, 1989 -- both of which are on file in the office of the Planning Board. In granting special permits authorized above under Subsections 3.3.3. and 3.3.4., the Board of Appeals shall, as appropriate, require the following as conditions of approval:

(a) Require that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into said systems, as well as discharges from said systems into flood waters;

(b) Require that adequate drainage is provided to reduce exposure to flood hazards in flood-prone areas, and more specifically, require adequate drainage around proposed structures on slopes to guide flood waters around and away from such structures; and

(c) Require that adjacent communities and the site coordination office be notified prior to any alteration or relocation of a water course, and that a copy of such notification be submitted to the Federal Emergency Management Agency (FEMA) Administrator;"

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 3.3. Uses in Flood Plain District, by adding a new subsection 3.3.5., as follows:

"3.3.5. National Flood Insurance Program (NFIP) Requirements. Reference is hereby made to the Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated June 5, 1989 -- both of which are on file in the office of the Planning Board. In granting special permits authorized above under Subsections 3.3.3. and 3.3.4., the Board of Appeals shall, as appropriate, require the following as conditions of approval:

(a) Require that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into said systems, as well as discharges from said systems into flood waters;

(b) Require that adequate drainage is provided to reduce exposure to flood hazards in flood-prone areas, and more specifically, require adequate drainage around proposed structures on slopes to guide flood waters around and away from such structures; and

(c) Require that adjacent communities and the site coordination office be notified prior to any alteration or relocation of a water course, and that a copy of such notification be submitted to the Federal Emergency Management Agency (FEMA) Administrator;"

Mr. David C. Gerber, Member, addressed this article on behalf of the Planning Board.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 14

To see if the Town will vote to amend the Zoning By-Law, Section 4.2. Dimensional Regulations for Rural Residence - Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.1. Table of Regulations, by adding the following new paragraph (c) at the end of the subsection:

"(c) In a Rural Residence - Conservation District, the first thirty-five (35) feet of the required minimum front setback of fifty (50) feet, as measured from Chestnut Street and from the designated Scenic Roads of South Street and Charles River Street, shall remain as a natural vegetative buffer not to be cut or cleared except for normal maintenance and vehicular access, including private driveways and subdivision roadways.";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 4.2. Dimensional Regulations for Rural Residence - Conservation, Single Residence A, Single Residence B, General Residence and Institutional Districts, Subsection 4.2.1. Table of Regulations, by adding the following new paragraph (c) at the end of the subsection:

"(c) In a Rural Residence - Conservation District, the first thirty-five (35) feet of the required minimum front setback of fifty (50) feet, as measured from Chestnut Street and from the designated Scenic Roads of South Street and Charles River Street, shall remain as a natural vegetative buffer not to be cut or cleared except for normal maintenance and vehicular access, including private driveways and subdivision roadways."

Pamela J. Anderson, Town Meeting Member and member of the South Street - Charles River Street Area Study Committee, addressed this article on behalf of the Committee. She explained that this article retains a buffer area in the Rural Residence-Conservation District.

In response to an inquiry from Mrs. Diane Perry Matthews, sidewalks and/or footpaths have the right of way.

ACTION: The main motion was presented, but the Moderator was in doubt as to the voice vote. The following Town Meeting Members were swom in as tellers by the Moderator: Richard S. Creem, Foster S. Crook, Gregory John Shesko, Meredith P. Page, Leroy J. Nutile, and Deborah L. Roberts. The motion was again presented and carried by a count of hands. The hand count was Yes 158 - No 10.

At 11:05 P.M. Mr. Howard B. Bacon moved that the meeting stand adjourned until Wednesday, May 9, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

* * * * * *

ADJOURNED ANNUAL TOWN MEETING

May 9, 1990

Pursuant to adjournment of the Annual Town Meeting held May 7, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 9, 1990, at 7:30 P.M.

Checklists were used and 254 voters were checked on the list as being present, including 230 Town Meeting Members.

The Needham Town String Orchestra, led by Karen S. Wood and Student Teacher Elise Bain, performed prior to the call of the meeting. They were joined by those present in singing "The Star Spangled Banner".

Rev. Francis D. Garrity, Pastor, St. Bartholomew's Parish, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 9

To see if the Town will vote to amend the Zoning By-Law by establishing a new district, Chestnut Street Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Chestnut Street Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited," and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Chestnut Street Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Chestnut Street Business District. The following schedule of use regulations shall apply in a Chestnut Street Business District:

USE	CSB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N

Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	SP
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical Clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N

Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft., is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by adding the following new paragraph (c):

"(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 0.7."

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing second sentence and by substituting in its place the following new second sentence:

"Notwithstanding the above, no building or structure which is located on property in the Chestnut Street Business District shall exceed two and one-half (2½) stores, including ground level covered or enclosed parking, no more than two (2) stories of which shall be occupied except for storage, nor shall the same exceed a total height of 35 feet."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new second paragraph as follows:

"On both sides of Chestnut Street in the Chestnut Street Business District, there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new second paragraph with four subparagraphs as follows:

"Where a lot in a Chestnut Street Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure. Where a lot in the Chestnut Street Business District is adjacent to the MBTA commuter railroad right-of-way, the 50-foot buffer requirement shall not apply; however, adjacent to said right-of-way there shall be a 10-foot buffer which shall be suitably landscaped per the specifications outlined below and which shall not be used for any purpose."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(h) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.9. as follows:

"4.4.9. Building Entrances on Chestnut Street. First-floor businesses shall have individual entrances accessed from the exterior of the building, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be available from one or more streets on which the building fronts and, if the building fronts on Chestnut Street, the primary building entrances must be from that street, unless lot configuration makes it impracticable to place all individual entrances on Chestnut Street."

(i) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Requirements for Business and Chestnut Street Business Districts"

(j) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(k) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In a Chestnut Street Business District, a MAJOR PROJECT is any construction project which involves: the new construction or reconstruction of any amount of gross floor area; or an increase in gross floor area of 1,000 or more square feet; or any project which results in the creation of 10 or more new off-street parking spaces; or any project which results in any new curb- or driveway-cut."

"In a Chestnut Street Business District, a MINOR PROJECT is any construction project which involves an increase in gross floor area of less than 1,000 square feet - and the project cannot be defined as a Major Project."

(l) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Chestnut Street Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single- and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review."

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law by establishing a new district, Chestnut Street Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Chestnut Street Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited," and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Chestnut Street Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Chestnut Street Business District. The following schedule of use regulations shall apply in a Chestnut Street Business District:

USE	CSB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	SP

Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical Clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y

MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft., is regularly devoted to such use	N

Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by adding the following new paragraph (c):

"(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 0.7."

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing second sentence and by substituting in its place the following new second sentence:

"Notwithstanding the above, no building or structure which is located on property in the Chestnut Street Business District shall exceed two and one-half (2½) stores, including ground level covered or enclosed parking, no more than two (2) stories of which shall be occupied except for storage, nor shall the same exceed a total height of 35 feet."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new second paragraph as follows:

"On both sides of Chestnut Street in the Chestnut Street Business District, there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new second paragraph with four subparagraphs as follows:

"Where a lot in a Chestnut Street Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure. Where a lot in the Chestnut Street Business District is adjacent to the MBTA commuter railroad right-of-way, the 50-foot buffer requirement shall not apply; however, adjacent to said right-of-way there shall be a 10-foot buffer which shall be suitably landscaped per the specifications outlined below and which shall not be used for any purpose."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(h) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.9. as follows:

"4.4.9. Building Entrances on Chestnut Street. First-floor businesses shall have individual entrances accessed from the exterior of the building, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be available from one or more streets on which the building fronts and, if the building fronts on Chestnut Street, the primary building entrances must be from that street, unless lot configuration makes it impracticable to place all individual entrances on Chestnut Street."

(i) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Requirements for Business and Chestnut Street Business Districts"

(j) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(k) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In a Chestnut Street Business District, a MAJOR PROJECT is any construction project which involves: the new construction or reconstruction of any amount of gross floor area; or an increase in gross floor area of 1,000 or more square feet; or any project which results in the creation of 10 or more new off-street parking spaces; or any project which results in any new curb- or driveway-cut."

"In a Chestnut Street Business District, a MINOR PROJECT is any construction project which involves an increase in gross floor area of less than 1,000 square feet - and the project cannot be defined as a Major Project."

(l) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Chestnut Street Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single- and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review."

A motion to discuss Articles 9, 10, 11 and 12 together and vote on separately was offered by Mr. Stanley R.Tippett. The motion was presented and carried unanimously by voice vote.

Mrs. Joanne Hull Roth, member, addressed this article on behalf of the Planning Board. She advised that a Master Plan Needham Center Task Force was created in 1987 to protect the integrity of the residential neighborhood and enhance the business district. The result of this Task Force is the presentation of Articles 9, 10, 11 and 12.

Also speaking in favor of these articles were Susan M. Glazer and Alan R. Fryer, members of the Task Force, and Paul Killeen, member of the Planning Board.

Mr. Gerald R. Browne expressed concern that the business use for fast-food establishments under this article is prohibited. Mrs. Lois Sockol also expressed concern that the business use for take-out establishments was prohibited.

A motion to amend was offered by Mr. Gerald R. Browne to strike the letter "N" under the business use section beginning with the words "take-out establishment..." and replace with the letters "SP".

A second motion to amend was offered by Mr. Gerald R. Browne to strike the letter "N" under the business use section beginning with the words "Fast-food establishment..." and replace with the letters "SP".

After a brief discussion a motion to move the previous question on the main motion and the motions to amend was offered by Mr. Lee B. Manning. The motion was presented and carried by voice vote.

Mr. Browne's first motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, but it failed to pass by voice vote. Mr. Browne requested a hand count and was joined by more than seven (7) Town Meeting Members. The motion was again presented and carried by a count of hands. The hand count was Yes 113 - No 104.

Mr. Browne's second motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 130 - No 87.

ACTION: The main motion, as amended, was presented and carried by a count of hands. The hand count was Yes 205 - No 8.

VOTED: That the Town amend the Zoning By-Law by establishing a new district, Chestnut Street Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Chestnut Street Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited," and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Chestnut Street Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Chestnut Street Business District. The following schedule of use regulations shall apply in a Chestnut Street Business District:

USE	CSB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N

Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	SP
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N

Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	SP
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	SP
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical Clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y
<u>MANUFACTURING</u>	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
<u>ACCESSORY</u>	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft., is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N

Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by adding the following new paragraph (c):

"(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 0.7."

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing second sentence and by substituting in its place the following new second sentence:

"Notwithstanding the above, no building or structure which is located on property in the Chestnut Street Business District shall exceed two and one-half (2½) stores, including ground level covered or enclosed parking, no more than two (2) stories of which shall be occupied except for storage, nor shall the same exceed a total height of 35 feet."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new second paragraph as follows:

"On both sides of Chestnut Street in the Chestnut Street Business District, there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new second paragraph with four subparagraphs as follows:

"Where a lot in a Chestnut Street Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure. Where a lot in the Chestnut Street Business District is adjacent to the MBTA commuter railroad right-of-way, the 50-foot buffer requirement shall not apply; however, adjacent to said right-of-way there shall be a 10-foot buffer which shall be suitably landscaped per the specifications outlined below and which shall not be used for any purpose."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(h) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.9. as follows:

"4.4.9. Building Entrances on Chestnut Street. First-floor businesses shall have individual entrances accessed from the exterior of the building, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be available from one or more streets on which the building fronts and, if the building fronts on Chestnut Street, the primary building entrances must be from that street, unless lot configuration makes it impracticable to place all individual entrances on Chestnut Street."

(i) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Requirements for Business and Chestnut Street Business Districts"

(j) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(k) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In a Chestnut Street Business District, a MAJOR PROJECT is any construction project which involves: the new construction or reconstruction of any amount of gross floor area; or an increase in gross floor area of 1,000 or more square feet; or any project which results in the creation of 10 or more new off-street parking spaces; or any project which results in any new curb- or driveway-cut."

"In a Chestnut Street Business District, a MINOR PROJECT is any construction project which involves an increase in gross floor area of less than 1,000 square feet - and the project cannot be defined as a Major Project."

(l) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Chestnut Street Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

> "The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Chestnut Street Business District, Industrial District, Industrial-1 District, Industrial Park District or Institutional District (excluding single- and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review."

ARTICLE 10

To see if the Town will vote to amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Chestnut Street Business District two certain areas bounded and described as follows:

(a) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of School Street and Chestnut Street; then running northerly along the centerline of Chestnut Street to a point where it intersects with the centerline of Keith Place; then running westerly along the centerline of Keith Place to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, said right-of-way centerline being the boundary line between the existing Business District and an Industrial District; then running southerly along said boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line between the existing Business District and a Single Residence B District; then running northerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly and northerly along said zoning boundary line to a point where it coincides with the boundary line between the existing Business District and a General Residence District; then running northerly, westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District, which is coincidental with the centerline of School Street; then running westerly along said street centerline to the beginning point."

(b) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of May Street and Garden Street; then running southerly, southwesterly and southeasterly along said zoning boundary line, which coincides with the centerline of Garden Street, to a point where it intersects with the centerline of Eaton Square; then running easterly, southeasterly and southerly along the centerline of Eaton Square to a point where it intersects with a line drawn perpendicular from the southernmost point of Parcel 17, Assessors' Plan 51; then running easterly along said perpendicular drawn line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running northerly along said right-of-way centerline to a point where it intersects with the centerline of May Street, said street centerline being the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The two geographical areas described above are also shown on a map kept on file in the Planning Board office; or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Chestnut Street Business District two certain areas bounded and described as follows:

(a) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of School Street and Chestnut Street; then running northerly along the centerline of Chestnut Street to a point where it intersects with the centerline of Keith Place; then running westerly along the centerline of Keith Place to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, said right-of-way centerline being the boundary line between the existing Business District and an Industrial District; then running southerly along said boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line between the existing Business District and a Single Residence B District; then running northerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly and northerly along said zoning boundary line to a point where it coincides with the boundary line between the existing Business District and a General Residence District; then running northerly, westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District, which is coincidental with the centerline of School Street; then running westerly along said street centerline to the beginning point."

(b) "Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of May Street and Garden Street; then running southerly, southwesterly and southeasterly along said zoning boundary line, which coincides with the centerline of Garden Street, to a point where it intersects with the centerline of Eaton Square; then running easterly, southeasterly and southerly along the centerline of Eaton Square to a point where it intersects with a line drawn perpendicular from the southernmost point of Parcel 17, Assessors' Plan 51; then running easterly along said perpendicular drawn line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running northerly along said right-of-way centerline to a point where it intersects with the centerline of May Street, said street centerline being the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 11

To see if the Town will vote to amend the Zoning By-Law by establishing a new district, Center Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Center Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CB	Center Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited", and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Center Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Center Business District. The following schedule of use regulations shall apply in the Center Business District:

USE	CB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single-family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	Y
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y

Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y*
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	N
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment; car wash	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y*
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N

* On second floor only

* Under 1,000 square feet of gross floor area

Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft. is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by deleting the existing paragraph (b) and by substituting in its place the following new paragraph (b):

> "(b) Buildings and structures which are located on property in the Center Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 1.0 or the floor area ratio in existence on January 1, 1990, whichever is greater. (See also Section 4.4.5.)"

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing first sentence and by substituting in its place the following new first sentence (new language underlined):

> "In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for occupancy other than storage."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new third paragraph as follows:

> "In the Center Business District, there shall be a front setback of three (3) feet or a setback consistent with the average of the setbacks of the two adjacent buildings, whichever is smaller."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.5. Driveway Openings, by adding the following three new paragraphs:

> "In the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street shall be allowed."

> "In the Center Business District, where access to the rear of a parcel is not available as described above, vehicular access for parking and loading areas shall be from shared or common access driveways, rather than from individual driveways at each parcel. In the Center Business District, the Planning Board acting as a special permit granting authority may issue a Special Permit that increases the maximum floor area ratio of a specified parcel to 1.2, where the use of a shared access or driveway eliminates the need for providing an individual driveway on that parcel."

> "In that portion of a lot contained within the required front setback, there may be constructed not more than one (1) driveway for every one hundred (100) feet or less of frontage on each way in the Center Business District. Driveways shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. Driveways shall be located a minimum of fifty (50) feet from the property line at the nearest street intersection in the Center Business District. The width of a driveway for one-way traffic shall be a minimum of twelve (12) feet and a maximum of eighteen (18) feet, as measured at its narrowest point. A Special Permit granted by the Planning Board shall be required for one-way driveways over twelve (12) feet in width in the Center Business District. The width of a driveway for two-way traffic shall be a minimum of eighteen (18) feet and a maximum of twenty-five (25) feet, as measured at its narrowest point."

(h) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.6 Enclosed Parking, by adding new second and third paragraphs as follows:

"In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to the enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade."

"Municipal parking facilities in the Center Business District shall be exempt from this provision."

(i) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new third paragraph with four subparagraphs as follows:

"Where a lot in a Center Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(j) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.10. as follows:

"4.4.10. Building Entrances in the Center Business District. First-floor businesses shall have individual entrances accessed from the street, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be located on one or more streets on which the building fronts and, if the building fronts on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street, the primary building entrances must be located on those streets."

(k) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.11. as follows:

"4.4.11. Driveways for the purpose of providing drive-through customer service shall not be allowed in the Center Business District."

(l) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Regulations for Business, Chestnut Street Business and Center Business Districts."

(m) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(n) In Section 5.1. Off-Street Parking Requirements, Subsection 5.1.1. Applicability, by changing the designation of the existing subsection 5.1.1.6. Applicability for Parking Areas, to subsection 5.1.1.7. and by adding the following new subsection 5.1.1.6:

"5.1.1.6. Special Permit in the Center Business District. In the Center Business District (CBD) the Planning Board acting as a special permit granting authority may issue a Special Permit waiving all or a lesser number of the off-street parking spaces required under Section 5.1.2., if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable."

(o) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area, or which changes an exterior facade."

(p) In Section 7.6. Planning Board, Subsection 7.6.1. Special Permit Granting Authority, by adding the following underlined language to the first sentence, so that it shall read as follows (new language underlined):

"The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 4.2.4., 4.2.5., 4.2.6., 4.4.5., 4.4.9., 4.4.10., 5.1.1.6., and 7.4. of this By-Law."

(q) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Center Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

> "The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Industrial District, Industrial-1 District, Center Business District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review.

r take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law by stablishing a new district, Center Business District, and more pecifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Center Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CB	Center Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited", and the last sentence:

> "In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Center Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Center Business District. The following schedule of use regulations shall apply in the Center Business District:

USE	CB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single-family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	Y
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent	N

of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y*
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Automobile service station, excluding repair services	N
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y*
MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N

* On second floor only

* Under 1,000 square feet of gross floor area

Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft. is regularly devoted to such use	N
Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by deleting the existing paragraph (b) and by substituting in its place the following new paragraph (b):

> "(b) Buildings and structures which are located on property in the Center Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 1.0 or the floor area ratio in existence on January 1, 1990, whichever is greater. (See also Section 4.4.5.)"

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing first sentence and by substituting in its place the following new first sentence (new language underlined):

> "In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for occupancy other than storage."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new third paragraph as follows:

> In the Center Business District, there shall be a front setback of three (3) feet or a setback consistent with the average of the setbacks of the two adjacent buildings, whichever is smaller."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.5. Driveway Openings, by adding the following three new paragraphs:

> "In the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street shall be allowed."

> "In the Center Business District, where access to the rear of a parcel is not available as described above, vehicular access for parking and loading areas shall be from shared or common access driveways, rather than from individual driveways at each parcel. In the Center Business District, the Planning Board

acting as a special permit granting authority may issue a Special Permit that increases the maximum floor area ratio of a specified parcel to 1.2, where the use of a shared access or driveway eliminates the need for providing an individual driveway on that parcel."

"In that portion of a lot contained within the required front setback, there may be constructed not more than one (1) driveway for every one hundred (100) feet or less of frontage on each way in the Center Business District. Driveways shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. Driveways shall be located a minimum of fifty (50) feet from the property line at the nearest street intersection in the Center Business District. The width of a driveway for one-way traffic shall be a minimum of twelve (12) feet and a maximum of eighteen (18) feet, as measured at its narrowest point. A Special Permit granted by the Planning Board shall be required for one-way driveways over twelve (12) feet in width in the Center Business District. The width of a driveway for two-way traffic shall be a minimum of eighteen (18) feet and a maximum of twenty-five (25) feet, as measured at its narrowest point."

(h) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.6 Enclosed Parking, by adding new second and third paragraphs as follows:

"In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to the enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade."

"Municipal parking facilities in the Center Business District shall be exempt from this provision."

(i) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new third paragraph with four subparagraphs as follows:

"Where a lot in a Center Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(j) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.10. as follows:

"4.4.10. Building Entrances in the Center Business District. First-floor businesses shall have individual entrances accessed from the street, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be located on one or more streets on which the building fronts and, if the building fronts on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street, the primary building entrances must be located on those streets."

(k) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.11. as follows:

"4.4.11. Driveways for the purpose of providing drive-through customer service shall not be allowed in the Center Business District."

(l) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Regulations for Business, Chestnut Street Business and Center Business Districts."

(m) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(n) In Section 5.1. Off-Street Parking Requirements, Subsection 5.1.1. Applicability, by changing the designation of the existing subsection 5.1.1.6. Applicability for Parking Areas, to subsection 5.1.1.7. and by adding the following new subsection 5.1.1.6:

"5.1.1.6. Special Permit in the Center Business District. In the Center Business District (CBD) the Planning Board acting as a special permit granting authority may issue a Special Permit waiving all or a lesser number of the off-street parking spaces required under Section 5.1.2., if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;

- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable."

(o) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following two new paragraphs:

"In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area, or which changes an exterior facade."

(p) In Section 7.6. Planning Board, Subsection 7.6.1. Special Permit Granting Authority, by adding the following underlined language to the first sentence, so that it shall read as follows (new language underlined):

"The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 4.2.4., 4.2.5., 4.2.6., 4.4.5., 4.4.9., 4.4.10., 5.1.1.6., and 7.4. of this By-Law."

(q) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Center Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Industrial District, Industrial-1 District, Center Business District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review.

In response to several inquiries from Mr. Richard B. Weitzen, Mr. Paul Killeen explained that the distinction between the two districts is that one is more urban in nature and the other is more suburban in nature. In addition, apartments were considered in both districts because mixed use is increasing in popularity. And last, in the opinion of Mr. Killeen, the regulations under the new districts will improve the appearance and fits in with the area.

A motion to amend to separate the paragraph under business use entitled "Theatres and indoor moving picture shows; pool and billiard rooms" so that it would read "Theatres and indoor moving picture shows - Y" and "Pool and billiard rooms - SP" was offered by Mr. Richard B. Weitzen.

A motion to amend under Section 2.1 Classes of Districts to add the words "CSB Chestnut Street Business" after the words "CB Center Business" was offered by Mr. John H. Cogswell.

A motion to amend the portion under business use beginning with the words "Take-out food counter..." by striking the letter "N" and replacing it with the letters "SP" was offered by Mr. Daniel P. Matthews.

A motion to amend the portion under residence use beginning with the words "The use of an owner-occupied..." by striking the letter "N" and replacing it with the letters "SP" was offered by Mrs. Diane Perry Matthews.

A motion to amend the portion under residence use beginning with the words "Apartment or multi-family..." by striking the letter "Y" and replacing it with the letters "SP" was offered by Mr. Thomas M. Harkins.

A motion to amend the portion under business use entitled "Office (other than those listed above)" by striking the letter "Y*" and replacing it with the letter "Y" and by striking the words "*On second floor only" at the bottom of the page was offered by Mrs. Ann DerMarderosian.

After a brief discussion, a motion to move the previous questions as to the main motion and all motions to amend was offered by Mr. Lee B. Manning. The motion was presented and carried by voice vote.

Mr. Cogswell's motion to amend was presented and carried unanimously by voice vote.

Mr. Harkin's motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was presented again and the Moderator was still in doubt. The motion was presented for the third time and carried by a count of hands. The hand count was Yes 145 - No 65.

Mrs. Matthew's motion to amend was presented, but it failed to pass by voice vote.

Mrs. DerMarderosian's motion to amend was presented, but it failed to pass by voice vote.

Mr. Weitzen's motion to amend was presented, but it failed to pass by voice vote.

Mr. Matthew's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The main motion, as amended, was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 210 - No 3.

VOTED: That the Town amend the Zoning By-Law by establishing a new district, Center Business District, and more specifically as follows:

(a) in Section 2.1. Classes of Districts, by inserting the name of a new district, "Center Business," in the list between the names of two existing districts, "Business" and "Industrial", so that the complete section shall read as follows:

"2.1. Classes of Districts:

FP	Flood Plain
RRC	Rural Residence-Conservation
SRA	Single Residence A
SRB	Single Residence B
GR	General Residence
A-1	Apartment A-1
A-2	Apartment A-2
A-3	Apartment A-3
I	Institutional
B	Business
CB	Center Business
CSB	Chestnut Street Business
IND	Industrial
IND-1	Industrial - 1
IND-P	Industrial Park
AP	Aquifer Protection"

(b) in Section 3. Use Regulations, Subsection 3.1. Basic Requirements, by adding the following new sentence between the first sentence, which ends with the line "N (No) - Use Prohibited", and the last sentence:

"In addition, no building or structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner in the Center Business District other than as regulated by Section 3.1.2. and as permitted and set forth in Section 3.2.1."

(c) In Section 3. Use Regulations, Subsection 3.2. Schedule of Use Regulations, by adding the following new subsection:

"3.2.1. Uses in the Center Business District. The following schedule of use regulations shall apply in the Center Business District:

USE	CB
AGRICULTURE	
Farm, greenhouse, nursery, truck garden, provided the property contains a minimum of two and one-half (2½) acres	N
Salesroom or stand for agricultural and horticultural products provided all products sold are grown or produced on the premises of the farm, greenhouse, nursery or truck garden, provided the subject contains a minimum of two and one-half (2½) acres	N
Sale during the Christmas season at a nursery or greenhouse of cut Christmas trees and wreaths grown or fabricated elsewhere than on the premises	N
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL	
Church or other place of worship, parish house, rectory, convent and other religious institution	Y
School - public, religious, sectarian or denominational Public library and museum and philanthropic institution	Y
Public park and playground and municipal structure	Y
Public passenger station	SP
Private school, nursery, kindergarten or child care center	SP
Convalescent or nursing home, hospital	SP
Cemetery	N
Private club not conducted as a business	SP
RESIDENCE	
Single-family detached dwelling PRD (see 4.2.5) RC (see 4.2.6)	N
Two-family detached dwelling	N
Conversion of a single-family dwelling to a two-family dwelling	N
Apartment or multi-family dwelling (allowed on second floor only); consistent with density requirements for A-1 Apartment District	SP
The use of an owner-occupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be subdivided into separate apartments, (2) that occupancies therein by non-owners occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the Town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the Town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.	N
Boarding house with no arrangements of any description for private cooking or housekeeping	N
INSTITUTIONAL	
Dormitory for a school with no provisions for private cooking or housekeeping	N
BUSINESS	
Retail sales, excluding grocery store, and not including the outdoor display of goods nor the outdoor storage or display of motor vehicles	Y
Retail trade or shop for custom work or the making of articles or goods to be sold at retail on the premises.	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices for consumer sales or service	Y
Craft, consumer or commercial service establishment providing goods and/or services at retail	Y
Offices (other than those listed above)	Y*
Theatres and indoor moving picture shows; pool and billiard rooms	SP

* On second floor only

Electronic game and amusement arcades	N
Automobile service station, excluding repair services	N
Commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved in rubbish disposal or oil delivery; and the private parking of vehicles for compensation	N
Laundry; coin-operated or self-service laundry or dry-cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any type of aircraft	N
Hotel or motel	N
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operation accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	N
Fast-food establishment offer-over-the-counter sale of on/off premises prepared food or beverages primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposed containers	N
Veterinary Office and/or treatment facility, but excluding the boarding of animals	SP
Medical clinic	SP
Outdoor parking in conjunction with the sale or leasing of new or used vehicles on applications filed after September 28, 1978	N
Grocery Store	Y*

* Under 1,000 square feet of gross floor area

MANUFACTURING	
Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives	N
Industrial services, for example, machine shop, plumbing, electrical or carpentry shop or similar service	N
Welding shop	N
Stone cutting, shaping, or finishing in an enclosed building	N
Autobody or auto paint shop, provided that all work is carried out inside the building	N
Outside truck service for repair for others including body work	N
Food processing primarily for wholesale use	N
Bottling plant	N
Equipment rental service	N
Garment manufacturing	N
Laboratory or place where scientific experimental research is conducted not including genetic or biological research laboratory	N
Genetic biological research	N
Radio or television studio	N
Medical reference laboratories other than accessory to a medical office	N
Dental prosthesis laboratories other than accessory to a dental office	N
Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health	N
ACCESSORY	
Use of a room or rooms in a single- or two-family dwelling as an office or studio by a resident professional person provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 sq.ft. is regularly devoted to such use	N

Customary home occupation engaged in by a resident of a single- or two-family dwelling which may include carpentry, cooking, preserving, dressmaking, handicrafts, repair of small appliances or other small items and similar activities, provided that (1) not more than one person is regularly employed therein in connection with such operation, (2) there is no exterior storage of material or equipment nor other exterior evidence of variation from the regular residential character of the premises, and (3) there is no advertising and signing and no public display or sale on the premises	N
The taking of not more than four non-transient boarders or the leasing of not more than two rooms with no provisions for private cooking by a resident family in a single-family dwelling	N
Cafe or lecture room associated with a private school	N
Research laboratory or statistical office associated with a private school, including printing, binding and electrotyping as incidental uses	N
Other accessory uses incidental to lawful principal uses	SP

(d) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.2. Maximum Lot Coverage, by deleting the existing paragraph (b) and by substituting in its place the following new paragraph (b):

"(b) Buildings and structures which are located on property in the Center Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2. as specified in Table I, but shall have a maximum floor area ratio of 1.0 or the floor area ratio in existence on January 1, 1990, whichever is greater. (See also Section 4.4.5.)"

(e) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.3. Height Limitation, by deleting the existing first sentence and by substituting in its place the following new first sentence (new language underlined):

"In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for occupancy other than storage."

(f) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.4. Minimum Front Setback, by adding a new third paragraph as follows:

In the Center Business District, there shall be a front setback of three (3) feet or a setback consistent with the average of the setbacks of the two adjacent buildings, whichever is smaller."

(g) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.5. Driveway Openings, by adding the following three new paragraphs:

"In the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street shall be allowed."

"In the Center Business District, where access to the rear of a parcel is not available as described above, vehicular access for parking and loading areas shall be from shared or common access driveways, rather than from individual driveways at each parcel. In the Center Business District, the Planning Board acting as a special permit granting authority may issue a Special Permit that increases the maximum floor area ratio of a specified parcel to 1.2, where the use of a shared access or driveway eliminates the need for providing an individual driveway on that parcel."

"In that portion of a lot contained within the required front setback, there may be constructed not more than one (1) driveway for every one hundred (100) feet or less of frontage on each way in the Center Business District. Driveways shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. Driveways shall be located a minimum of fifty (50) feet from the property line at the nearest street intersection in the Center Business District. The width of a driveway for one-way traffic shall be a minimum of twelve (12) feet and a maximum of eighteen (18) feet, as measured at its narrowest point. A Special Permit granted by the Planning Board shall be required for one-way driveways over twelve (12) feet in width in the Center Business District. The width of a driveway for two-way traffic shall be a minimum of eighteen (18) feet and a maximum of twenty-five (25) feet, as measured at its narrowest point."

(h) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.6 Enclosed Parking, by adding new second and third paragraphs as follows:

"In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to the enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade."

"Municipal parking facilities in the Center Business District shall be exempt from this provision."

(i) In Section 4.4. Dimensional Regulations for Business Districts, Subsection 4.4.8. Side and Rear Setbacks Adjoining Residential Districts, by adding a new third paragraph with four subparagraphs as follows:

"Where a lot in a Center Business District adjoins a residential district, no building or structure for business use shall be placed or constructed within fifty (50) feet of the residential district boundary, and within said strip, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped per specifications outlined below, and

there shall be no accessory use. The remaining twenty-five (25) feet may be used for an accessory use not including a building or structure."

"(a) Materials - plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or wall shall be constructed, to form the screen. Where a grill or open-work fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section."

"(b) Height - screening shall be at least ten (10) feet in height when planted. Height shall be measured from the finished grade."

"(c) Maintenance - all required plant materials shall be maintained by the owner in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained by the owner in good repair and presentable appearance and whenever necessary they shall be repaired or replaced."

"(d) Lighting - all artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property."

(j) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.10. as follows:

"4.4.10. Building Entrances in the Center Business District. First-floor businesses shall have individual entrances accessed from the street, except by Special Permit to be granted by the Planning Board in cases where such requirements would restrict redevelopment of an existing building."

"Building entrances providing access to first and second-floor space shall be located on one or more streets on which the building fronts and, if the building fronts on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street, the primary building entrances must be located on those streets."

(k) In Section 4.4. Dimensional Regulations for Business Districts, by adding a new subsection 4.4.11. as follows:

"4.4.11. Driveways for the purpose of providing drive-through customer service shall not be allowed in the Center Business District."

(l) In Section 4.4. Dimensional Regulations for Business Districts, by changing the name of the section so that it shall read:

"Section 4.4. Dimensional Regulations for Business, Chestnut Street Business and Center Business Districts."

(m) In Section 4.6. Special Conditions, Subsection 4.6.1. Specific Front Setbacks, by deleting paragraph (d).

(n) In Section 5.1. Off-Street Parking Requirements, Subsection 5.1.1. Applicability, by changing the designation of the existing subsection 5.1.1.6. Applicability for Parking Areas, to subsection 5.1.1.7. and by adding the following new subsection 5.1.1.6:

"5.1.1.6. Special Permit in the Center Business District. In the Center Business District (CBD) the Planning Board acting as a special permit granting authority may issue a Special Permit waiving all or a lesser number of the off-street parking spaces required under Section 5.1.2., if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable."

(o) In Section 7.4. Site Plan Review, Subsection 7.4.2. Definitions, by adding the following new paragraph:

"In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area, or which changes an exterior facade."

(p) In Section 7.6. Planning Board, Subsection 7.6.1. Special Permit Granting Authority, by adding the following underlined language to the first sentence, so that it shall read as follows (new language underlined):

"The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 4.2.4., 4.2.5., 4.2.6., 4.4.5., 4.4.9., 4.4.10., 5.1.1.6., and 7.4. of this By-Law."

(q) In Section 7.7. Design Review, Subsection 7.7.2. Design Review Board, Subsection 7.7.2.2. Authority and Specific Powers, by adding the name "Center Business District" in the first sentence of the second paragraph, so that it shall read as follows (new language underlined):

"The Design Review Board shall review permit applications for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as a Business District, Industrial District, Industrial-1 District, Center Business District, Industrial Park District or Institutional District (excluding single and two-family uses), which require a building permit under the Massachusetts State Building Code -- but which are not related to projects previously reviewed as "Major" or "Minor Projects" under Site Plan Review.

ARTICLE 12

To see if the Town will vote to amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Center Business District a certain area bounded and described as follows:

"Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the

centerlines of Great Plain Avenue and Pickering Street; then running northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to a point where it intersects with the centerline of Highland Avenue; then running northerly along said centerline of Highland Avenue to a point where it intersects with the centerline of May Street; then running westerly along said centerline of May Street to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running southerly along said right-of-way centerline to a point where it intersects with a line drawn through the southernmost point of Parcel 17, Assessors' Plan 51 and also drawn perpendicular to the centerline of Eaton Square; then running westerly along said drawn line to a point where it intersects with the centerline of Eaton Square; then running northerly, northwesterly and westerly along said street centerline to a point where it intersects with the centerline of Garden Street; then running southerly along the centerline of Garden Street, which coincides with the boundary line between the existing Business District and a Single Residence B District to a point where said zoning boundary line turns westerly; then running westerly, northerly, westerly, northerly and westerly along said zoning boundary line to a point where it intersects with the centerline of Nehoiden Street; then running southeasterly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Great Plain Avenue; then running westerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Linden Street; then running southerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where said zoning boundary line turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and an Industrial District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, which coincides with the boundary line between the existing Business District and an Industrial District; then running southerly along said right-of-way centerline to a point where it intersects with the extended centerline of Keith Place; then running easterly along said street centerline to a point where it intersects with the centerline of Chestnut Street; then running southerly along said street centerline to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the centerline of Lincoln Street, which coincides with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it intersects with the centerline of Dedham Avenue, which coincides with the boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line to a point where it turns northeasterly; then running northeasterly, southeasterly and northeasterly along said zoning boundary line to a point where it intersects with a boundary line between the existing Business District and a Single Residence B District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the centerline of Great Plain Avenue, which coincides with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

The geographical area described above is also shown on a map kept on file in the Planning Board office. (It should be noted that the Town Hall and Common property, Parcels 1 and 81 on Assessors' Plan 51, are currently zoned Single Residence B and is therefore not included in the Zoning Map change described under this article.); or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map of the Zoning By-Law by changing from a Business District to a Center Business District a certain area bounded and described as follows:

"Beginning at a point on the boundary line between the existing Business District and a Single Residence B District, where said boundary line coincides with the intersection of the centerlines of Great Plain Avenue and Pickering Street; then running northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to a point where it intersects with the centerline of Highland Avenue; then running northerly along said centerline of Highland Avenue to a point where it intersects with the centerline of May Street; then running westerly along said centerline of May Street to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line; then running southerly along said right-of-way centerline to a point where it intersects with a line drawn through the southernmost point of Parcel 17, Assessors' Plan 51 and also drawn perpendicular to the centerline of Eaton Square; then running westerly along said drawn line to a point where it intersects with the centerline of Eaton Square; then running northerly, northwesterly and westerly along said street centerline to a point where it intersects with the centerline of Garden Street; then running southerly along the centerline of Garden Street, which coincides with the boundary line between the existing Business District and a Single Residence B District to a point where said zoning boundary line turns westerly; then running westerly, northerly, westerly, northerly and westerly along said zoning boundary line to a point where it intersects with the centerline of Nehoiden Street; then running southeasterly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Great Plain Avenue; then running westerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where it intersects with the centerline of Linden Street; then running southerly along said street centerline, which coincides with the boundary line between the existing Business District and a Single Residence B District, to a point where said zoning boundary line turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and an Industrial District; then running northerly and easterly along said zoning boundary line to a point where it intersects with the centerline of the right-of-way of the MBTA commuter railroad line, which coincides with the boundary line between the existing Business District and an Industrial District; then running southerly along said right-of-way centerline to a point where it intersects with the extended centerline of Keith Place; then running easterly along said street centerline to a point where it intersects with the centerline of Chestnut Street; then running southerly along said street centerline to a point where it intersects with the

boundary line between the existing Business District and a Single Residence B District; then running easterly along said zoning boundary line to a point where it intersects with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it turns easterly; then running easterly along said zoning boundary line to a point where it intersects with the centerline of Lincoln Street, which coincides with the boundary line between the existing Business District and a General Residence District; then running northerly along said zoning boundary line to a point where it intersects with the centerline of Dedham Avenue, which coincides with the boundary line between the existing Business District and a General Residence District; then running southeasterly along said boundary line to a point where it turns northeasterly; then running northeasterly, southeasterly and northeasterly along said zoning boundary line to a point where it intersects with a boundary line between the existing Business District and a Single Residence B District; then running westerly and northerly along said zoning boundary line to a point where it intersects with the centerline of Great Plain Avenue, which coincides with the boundary line between the existing Business District and a Single Residence B District; then running westerly along said zoning boundary line to the beginning point."

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 13 - was previously adopted unanimously on May 7, 1990.

ARTICLE 14 - was previously adopted by a count of hands on May 7, 1990.

ARTICLE 15

To see if the Town will vote to amend the Zoning By-Law, Section 1.3. Definitions, by adding language to the definition of the word "Coverage", so that it shall read as follows (new language underlined):

"Coverage - that portion of a lot that is covered or occupied by any building or structure; underground buildings or structures devoted solely to parking are exempt from the definition of coverage, if the ground area immediately above said underground building or structure is equal to or no higher than 3 feet above the lowest elevation, as determined by the existing street grade measured at its centerline in front of the underground building or structure, and is devoted to surface parking, landscaping or other elements of off-street parking areas as provided for in Section 5.1. of the Zoning By-Law.";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 1.3. Definitions, by adding language to the definition of the word "Coverage", so that it shall read as follows (new language underlined):

"Coverage - that portion of a lot that is covered or occupied by any building or structure; underground buildings or structures devoted solely to parking are exempt from the definition of coverage, if the ground area immediately above said underground building or structure is equal to or no higher than 3 feet above the lowest elevation, as determined by the existing street grade measured at its centerline in front of the underground building or structure, and is devoted to surface parking, landscaping or other elements of off-street parking areas as provided for in Section 5.1. of the Zoning By-Law."

Mr. Norman A. Homsy, Member, addressed this article on behalf of the Planning Board.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 16

To see if the Town will vote to amend the Zoning By-Law, Section 7.4. Site Plan Review, Subsection 7.4.4. Procedure, by adding language to paragraph d., so that it shall read as follows (new language underlined)."

"(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to proposed site layout";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 7.4. Site Plan Review, Subsection 7.4.4. Procedure, by adding language to paragraph d., so that it shall read as follows (new language underlined)."

"(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to proposed site layout";

A motion to amend by adding the following language at the end of paragraph (d) was offered by Mr. Stanley R. Tippett: "together with an elevation line to show the relationship to the center of the street."

Mr. David C. Gerber, member, addressed this article on behalf of the Planning Board.

Mr. Tippett's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend the Zoning By-Law, Section 7.4. Site Plan Review, Subsection 7.4.4. Procedure, by adding language to paragraph d., so that it shall read as follows (new language underlined)."

"(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to proposed site layout, together with an elevation line to show the relationship to the center of the street."

ARTICLE 17

To see if the Town will vote to amend the Zoning By-Law, Section 4.6.4. Dimensional Controls for Exempt Uses, by deleting existing paragraph (b) and by substituting in its place the following:

"(b) The maximum building coverage on any one lot shall not be more than 15% in a Rural Residence - Conservation or Single Residence A District, nor shall it be more than 25% in any other district.";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 4.6.4. Dimensional Controls for Exempt Uses, by deleting existing paragraph (b) and by substituting in its place the following:

"(b) The maximum building coverage on any one lot shall not be more than 15% in a Rural Residence - Conservation or Single Residence A District, nor shall it be more than 25% in any other district.";

Mr. Norman A. Homsy, member, addressed this proposal on behalf of the Planning Board.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 18

To see if the Town will vote to amend the Zoning Map by changing from a Single Residence B District to a Chestnut Street Business District a certain parcel of land, adjoining Chestnut Street on the west, in the Town of Needham, County of Norfolk and Commonwealth of Massachusetts, delineated and shown on plan entitled: "New York, New Haven and Hartford Railroad Office of Engineer - Real Estate Surveys Land in Needham, Massachusetts. To be conveyed to Joseph and Giselda Cucci. Scale 1" = 50', June 1954.", which plan is recorded with Norfolk County Registry of Deeds as PLAN NO. 30 of 1955, in Book 3333, Page 350, and bounded and described according to said plan as follows:

BEGINNING at a point in the westerly line of Chestnut Street, distance 776.28 feet southerly, measured therein, from a stone monument near the northerly line of Cedar Place, and thence running southerly 44.50 feet, bounding easterly on said Chestnut Street, to a point

THENCE RUNNING SOUTHWESTERLY 228.81 feet, bounding southeasterly on remaining railroad land, to a point distant 311.56 feet southeasterly, measured radially, from the monumented base line of the New York, New Haven and Hartford Railroad Company from Needham to West Medway at station 476 + 66.77;

THENCE deflecting to the left and continuing southwesterly 108.53 feet, still bounding southeasterly on remaining railroad land, to a point distant 255.41 feet southeasterly, measured radially, from said base line at station 477 + 51.30;

THENCE running northwesterly 136.06 feet, bounding southwesterly on remaining railroad land, to a point distant 146.10 feet southeasterly, measured radially, from said base line at station 476 + 75.57;

THENCE deflecting to the left and continuing northeasterly 110.10 feet, still bounding southwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at said station 476 + 75.57;

THENCE running northeasterly 374.84 feet in a curve to the left of 2900.93 feet radius, concentric with said base line, bounding northwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at station 473 + 05.40; and

THENCE running southeasterly 487.77 feet in the arc of a curve to the left of 478.68 feet radius, bounding northeasterly on remaining railroad land, to the point of beginning:

CONTAINING 100,470 square feet.

Said area is known and numbered as 433 Chestnut Street and is shown as Parcel 6 on Needham Assessor's Plan No. 45; or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map by changing from a Single Residence B District to a Chestnut Street Business District a certain parcel of land, adjoining Chestnut Street on the west, in the Town of Needham, County of Norfolk and Commonwealth of Massachusetts, delineated and shown on plan entitled: "New York, New Haven and Hartford Railroad Office of Engineer - Real Estate Surveys Land in Needham, Massachusetts. To be conveyed to Joseph and Giselda Cucci. Scale 1" = 50', June 1954.", which plan is recorded with Norfolk County Registry of Deeds as PLAN NO. 30 of 1955, in Book 3333, Page 350, and bounded and described according to said plan as follows:

BEGINNING at a point in the westerly line of Chestnut Street, distance 776.28 feet southerly, measured therein, from a stone monument near the northerly line of Cedar Place, and thence running southerly 44.50 feet, bounding easterly on said Chestnut Street, to a point

THENCE RUNNING SOUTHWESTERLY 228.81 feet, bounding southeasterly on remaining railroad land, to a point distant 311.56 feet southeasterly, measured radially, from the monumented base line of the New York, New Haven and Hartford Railroad Company from Needham to West Medway at station 476 + 66.77;

THENCE deflecting to the left and continuing southwesterly 108.53 feet, still bounding southeasterly on remaining railroad land, to a point distant 255.41 feet southeasterly, measured radially, from said base line at station 477 + 51.30;

THENCE running northwesterly 136.06 feet, bounding southwesterly on remaining railroad land, to a point distant 146.10 feet southeasterly, measured radially, from said base line at station 476 + 75.57;

THENCE deflecting to the left and continuing northeasterly 110.10 feet, still bounding southwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at said station 476 + 75.57;

THENCE running northeasterly 374.84 feet in a curve to the left of 2900.93 feet radius, concentric with said base line, bounding northwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at station 473 + 05.40; and

THENCE running southeasterly 487.77 feet in the arc of a curve to the left of 478.68 feet radius, bounding northeasterly on remaining railroad land, to the point of beginning:

CONTAINING 100,470 square feet.

Said area is known and numbered as 433 Chestnut Street and is shown as Parcel 6 on Needham Assessor's Plan No. 45.

Unanimous consent was given to allow Mr. William Crowe, non-resident, owner of Lowden Landscape located at 433 Chestnut Street, and proponent, to address Town Meeting. Mr. Crowe explained that his request under Article 18 is to place his property at 433 Chestnut Street under the Chestnut Street Business District. While the Planning Board would continue to have jurisdiction over his property, he would like to be able to respond to changing business conditions not under the existing permit.

In response to several inquiries, Mr. Tippett, Chairman, advised that the Planning Board voted 3 to 2 to support Article 18. Mrs. Joanne Hull Roth, Planning Board Member, advised that Lowden Landscape is under a Board of Appeals variance as a business. If Article 18 is approved, Town Meeting is merely placing this property in a business district.

After a brief discussion, Mr. Lee B. Manning moved the previous question. The motion was presented and carried by voice vote.

ACTION: The main motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 149 - No 37.

ARTICLE 19

To see if the Town will vote to amend the Zoning Map by changing from a Single Residence B District to a Business District a certain parcel of land, adjoining Chestnut Street on the west, in the Town of Needham, County of Norfolk and Commonwealth of Massachusetts, delineated and shown on plan entitled: "New York, New Haven and Hartford Railroad Office of Engineer - Real Estate Surveys Land in Needham, Massachusetts. To be conveyed to

Joseph and Giselda Cucci. Scale 1" = 50', June 1954.", which plan is recorded with Norfolk County Registry of Deeds as PLAN NO. 30 of 1955, in Book 3333, Page 350, and bounded and described according to said plan as follows:

BEGINNING at a point in the westerly line of Chestnut Street, distance 776.28 feet southerly, measured therein, from a stone monument near the northerly line of Cedar Place, and thence running southerly 44.50 feet, bounding easterly on said Chestnut Street, to a point

THENCE RUNNING SOUTHWESTERLY 228.81 feet, bounding southeasterly on remaining railroad land, to a point distant 311.56 feet southeasterly, measured radially, from the monumented base line of the New York, New Haven and Hartford Railroad Company from Needham to West Medway at station 476 + 66.77;

THENCE deflecting to the left and continuing southwesterly 108.53 feet, still bounding southeasterly on remaining railroad land, to a point distant 255.41 feet southeasterly, measured radially, from said base line at station 477 + 51.30;

THENCE running northwesterly 136.06 feet, bounding southwesterly on remaining railroad land, to a point distant 146.10 feet southeasterly, measured radially, from said base line at station 476 + 75.57;

THENCE deflecting to the left and continuing northeasterly 110.10 feet, still bounding southwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at said station 476 + 75.57;

THENCE running northeasterly 374.84 feet in a curve to the left of 2900.93 feet radius, concentric with said base line, bounding northwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at station 473 + 05.40; and

THENCE running southeasterly 487.77 feet in the arc of a curve to the left of 478.68 feet radius, bounding northeasterly on remaining railroad land, to the point of beginning:

CONTAINING 100,470 square feet.

Said area is known and numbered as 433 Chestnut Street and is shown as Parcel 6 on Needham Assessor's Plan No. 45; or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map by changing from a Single Residence B District to a Business District a certain parcel of land, adjoining Chestnut Street on the west, in the Town of Needham, County of Norfolk and Commonwealth of Massachusetts, delineated and shown on plan entitled: "New York, New Haven and Hartford Railroad Office of Engineer - Real Estate Surveys Land in Needham, Massachusetts. To be conveyed to Joseph and Giselda Cucci. Scale 1" = 50', June 1954.", which plan is recorded with Norfolk County Registry of Deeds as PLAN NO. 30 of 1955, in Book 3333, Page 350, and bounded and described according to said plan as follows:

BEGINNING at a point in the westerly line of Chestnut Street, distance 776.28 feet southerly, measured therein, from a stone monument near the northerly line of Cedar Place, and thence running southerly 44.50 feet, bounding easterly on said Chestnut Street, to a point

THENCE RUNNING SOUTHWESTERLY 228.81 feet, bounding southeasterly on remaining railroad land, to a point distant 311.56 feet southeasterly, measured radially, from the monumented base line of the New York, New Haven and Hartford Railroad Company from Needham to West Medway at station 476 + 66.77;

THENCE deflecting to the left and continuing southwesterly 108.53 feet, still bounding southeasterly on remaining railroad land, to a point distant 255.41 feet southeasterly, measured radially, from said base line at station 477 + 51.30;

THENCE running northwesterly 136.06 feet, bounding south westerly on remaining railroad land, to a point distant 146.10 feet southeasterly, measured radially, from said base line at station 476 + 75.57;

THENCE deflecting to the left and continuing northeasterly 110.10 feet, still bounding southwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at said station 476 + 75.57;

THENCE running northeasterly 374.84 feet in a curve to the left of 2900.93 feet radius, concentric with said base line, bounding northwesterly on remaining railroad land, to a point distant 36 feet southeasterly, measured radially, from said base line at station 473 + 05.40; and

THENCE running southeasterly 487.77 feet in the arc of a curve to the left of 478.68 feet radius, bounding northeasterly on remaining railroad land, to the point of beginning:

CONTAINING 100,470 square feet.

Said area is known and numbered as 433 Chestnut Street and is shown as Parcel 6 on Needham Assessor's Plan No. 45.

A motion to postpone indefinitely the main motion was offered by Mrs. Joan M. Johnson. The motion was presented and carried unanimously by voice vote.

At 10:55 P.M. Mr. William A. Powers moved that the meeting stand adjourned until Monday, May 14, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

* * * * * *

ADJOURNED ANNUAL TOWN MEETING

May 14, 1990

Pursuant to adjournment of the Annual Town Meeting held May 9, 1990, the Inhabitants of the town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Monday, May 14, 1990, at 7:30 P.M.

Checklists were used and 256 voters were checked on the list as being present, including 226 Town Meeting Members.

Rev. Lynn L. Illingworth, pastor, Presbyterian Church of Needham, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 20 was previously withdrawn on May 7, 1990.

ARTICLE 21

To see if the Town will vote to accept the provisions of MGL, Chapter 41, Section 81-U (Chapter 236 of the Acts of 1987 and Chapter 245 of the Acts of 1988) whereby when a subdivision developer defaults on undertakings, the proceeds of a performance bond or cash deposit put up by the developer may be used by the Town to complete the construction of ways and the installation of municipal services whose completion was secured by the bond or deposit. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Board of Selectmen; or take any other action relative thereto.

MOVED: That the Town accept the provisions of MGL, Chapter 41, Section 81-U (Chapter 236 of the Acts of 1987 and Chapter 245 of the Acts of 1988) whereby when a subdivision developer defaults on undertakings, the proceeds of a performance bond or cash deposit put up by the developer may be used by the Town to complete the construction of ways and the installation of municipal services whose completion was secured by the bond or deposit. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Board of Selectmen.

Mr. Stanley R. Tippett, Chairman, addressed this proposal on behalf of the Planning Board. He indicated that this article may force some developers to finish the job they started. Mr. Tippett also expressed his appreciation on behalf of the Planning Board on the interest, concern and intelligent inquiries on this year's zoning articles.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 22

To see if the Town will vote to transfer $18,715 from Article 52 of the 1988 Annual Town Meeting, and a sum from Article 59 of the 1989 Annual Town Meeting to the Police and Fire Headquarters Renovation Account; or take any other action relative thereto.

MOVED: That the Town transfer $18,715 from Article 52 of the 1988 Annual Town Meeting, and $115,000. from Article 59 of the 1989 Annual Town Meeting to the Police and Fire Headquarters Renovation Account.

Mr. H. Phillip Garrity, Jr., Selectman, addressed this proposal on behalf of the Board of Selectmen. He explained that the Heights Fire Station proposal came in under bid. However, the Police & Fire Station renovation project incurred unanticipated expenses due to pollution from the fuel tanks, asbestos removal and cell alterations required under new State regulations. Thus, the Board of Selectmen wish to transfer the unused funds from the Heights Fire Station project to the Police & Fire Station project.

Mr. Patrick Alessi, Needham resident, expressed concern that departmental surpluses are used at the end of the fiscal year to continue the level of services. He further noted that the citizens are getting a "tripple whammy" from the local, State and Federal governments. The Moderator explained that the Federal government is going to do revenue enhancement, the State government is going to raise taxes, and the cities and towns have to balance the budget while other governments do not.

Mr. Garrity advised that departments returned $892,000. in expended balances to the town last year. He also explained that the surplus of $115,000. is not in the operating budget and lack of payment would leave the Town in non-compliance of the renovation contract.

A motion to move the previous question on the main motion was offered by Mr. James Hugh Powers. The motion was presented and carried unanimously by voice vote.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 23

To see if the Town will vote to increase the several fees previously established by Article 43 of the 1983 Annual Town Meeting as authorized by MGL Chapter 98, Section 56 as hereinafter enumerated.

Weights and Measures
Fee Schedule

	Current Fees	Proposed Fees
BALANCES AND SCALES		
Over 10,000 lbs.	$50.00	$50.00
10,000 - 5,000 lbs.	30.00	30.00
5,000 - 100 lbs.	20.00	25.00
Less than 100 lbs.	5.00	7.00
WEIGHTS		
Avoidupois (each)	.50	.65
Metric (each)	.50	.65
Apothecary (each)	.50	.65
Troy (each)	.50	.65
CAPACITY MEASURES		
Vehicle Tanks		
Each Indicator	5.00	6.00
Each 100 gallons or fraction thereof	2.00	3.00
Liquid		
1 gallon or less	.50	1.00
More than 1 gallon	1.00	1.50
LIQUID MEASURING METERS		
Inlet ½" or less		
Oil or grease	4.00	5.00
Inlet more than ½" to 1"		
Gasoline	6.00	7.50
Inlet more than 1"		
Vehicle tank pump	15.00	17.50
Vehicle tank gravity	20.00	22.50
Bulk storage	40.00	50.00
Company Supplies Prover	20.00	25.00
PUMPS		
Each stop on pump	2.00	2.50
OTHER DEVICES		
Taxi meters	6.00	8.00
Odometer-Hubodometer	6.00	8.00
Leather Measuring (semi-annually)	4.00	5.00
Fabric Measuring	4.00	5.00
Wire - Rope - Cordage	4.00	5.00
LINEAR MEASURE		
Yard Sticks	.50	1.00
Tapes	.50	2.00
MISCELLANEOUS		
Milk Jars (per gross)	8.00	10.00
Dry Measures	.50	.75

These fees to become effective on January 1, 1991; or take any other action relative thereto.

Mrs. Marcia M. Carleton, Chairman, presented this proposal on behalf of the Board of Selectmen. Mrs. Carleton explained that the Board reviews the various fees every couple of years and compares with surrounding cities and towns to determine if the fees are in line. The proposed fees are consistent with other municipalities. In response to an inquiry from Mr. Eric W. Fleming, Mrs. Carleton advised that the proposed Weights and Measures fees will bring in approximately $2,500. for the next fiscal year.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 24

To see if the Town will vote to amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by renumbering Sections 8 through 23 as Sections 7 through 22; or take any other action relative thereto.

Summary:

Sections 7 and 7A of Article II of the General By-Laws provided that mechanical or other work, and equipment, supplies or materials estimated to cost four thousand dollars or more may only be procured following public advertisement and receipt of sealed proposals. These sections were based on General Laws Chapter 40, Section 4G. Chapter 40, Section 4G was recently repealed by Section 10 of Chapter 687 of the Acts of 1989.

Section 3 of said Chapter 687 of the Acts of 1989 inserts new Chapter 30B of the General Laws, the Uniform Procurement Act.

Chapter 30B allows local awarding authorities to raise to $10,000 the threshold for advertising many procurements, including construction contracts and purchases of supplies and services. All other provisions of Chapter 30B are mandatory and are applicable for all contracts signed on or after May 1, 1990. Chapter 30B requires that the Board of Selectmen appoint a Chief Procurement Officer to centralize all procurements for the Town. Procurements valued at $1,000 to $10,000 may, hereafter, be made based upon telephone solicitation of three or more vendors. This procedure will streamline and modernize the purchasing of services and materials for the Town.

MOVED: That the Town amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by renumbering Sections 8 through 23 as Sections 7 through 22.

A motion to postpone to a time certain; namely, to return to the floor after the Special Town Meeting called for May 21, 1990 is dissolved was offered by Mrs. Marcia M. Carleton. The motion to postpone was presented and carried unanimously by voice vote.

ARTICLE 25

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 2A; or take any other action relative thereto.

Summary:

Section 40 of Chapter 653 of the Acts of 1989 amends Section 2A of Chapter 59 of the General Laws to provide that buildings and other things erected on or affixed to land during the period beginning January second and ending on June thirtieth of the fiscal year preceding that to which a real estate tax relates shall be deemed part of such real property as of January first.

MOVED: That the Town accept the provisions of M.G.L. Chapter 59, Section 2A.

A motion to refer the subject matter of Article 25 to the Board of Selectmen for further study was offered by Mr. H. Phillip Garrity, Jr. The motion was presented and carried unanimously by voice vote.

ARTICLE 26

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 57C; or take any other action relative thereto.

Summary:

Section 41 of Chapter 653 of the Acts of 1989 inserts Section 57C into Chapter 59 of the General Laws. Said Section 57C permits the Town to send quarterly tax bills by providing for a notice of preliminary tax for real estate and personal property not later than July first of each year, due and payable in two installments on August first and November first. Each installment may not exceed twenty-five percent of the tax payable during the preceding fiscal year.

MOVED: That the Town accept the provisions of M.G.L. Chapter 59, Section 57C.

Mr. H. Phillip Garrity, Jr., Selectman, addressed this proposal on behalf of the Board of Selectmen. He explained that acceptance of M.G.L. Chapter 59, Section 57C would allow the Town to send quarterly tax bills. In response to Mr. Eric W. Fleming's inquiry, Mr. Garrity stated that the extra expense in billings would be approximately $36,000. and the extra income would be approximately $230,000.

ACTION: The main motion was presented, but the Moderator was in doubt as to the voice vote. The motion was presented again, and the Moderator was in doubt as to the voice vote. The motion was presented again and it was carried by a count of hands. The hand count was yes 130 - No 77.

ARTICLE 27

To see if the Town will vote to accept the provisions of Chapter 40, Section 13C of the General Laws as inserted by Chapter 455 of the Acts of 1989; or take any other action relative thereto.

Summary:

Acceptance of new Section 13C of Chapter 40 allows the Town to establish reserve accounts to pay the future costs of worker's compensation claims and settlements.

MOVED: That the Town accept the provisions of Chapter 40, Section 13C of the General Laws as inserted by Chapter 455 of the Acts of 1989.

Mr. John D. Marr, Jr. addressed this article on behalf of the Board of Selectmen. He advised that unused worker's compensation balances could be placed in a reserve account for future costs. In response to Mr. Gerald R. Browne's inquiry, Mr. Marr advised that Town Meeting can vote the surplus funds back to the general fund. There are several reserve funds in existence at the present time - the stabilization fund, the overlay surplus fund, the Park and Recreation fund, and the Conservation Fund.

After a brief discussion, a motion to move the previous question as to the main motion was offered by Mr. Arthur Wald. The motion was presented and carried by voice vote.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 28

To see if the Town will vote to authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "B" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 3,029 square feet more or less, to Joseph S. Haven and Lauren M. Haven, 22 Oakland Avenue, for not less than $3,029.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for ten years or more; or take any other action relative thereto.

MOVED: That the Town authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "B" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 3,029 square feet more or less, to Joseph S. Haven and Lauren M. Haven, 22 Oakland Avenue, for not less than $3,029.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for ten years or more.

A motion to amend was offered by Mr. Donald E. Kidd to strike the words "to Joseph S. Haven and Lauren M. Haven, 22 Oakland Avenue,", to strike the word "ten" and insert in place thereof the word "five", and to change the period to a comma at the end of the motion and add the following words "or to pay indebtedness incurred in the purchase of land or interests in land, in the construction or addition to buildings, including the cost of original equipment and furnishings."

A motion was offered by Mr. John D. Marr, Jr. to discuss Articles 28, 29, and 30 together, but vote on separately.

Mr. Daniel P. Matthews opposed discussing Article 30 with Articles 28 and 29.

Mr. Marr's motion to discuss the articles together was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and it carried by voice vote. Mr. Matthew's rose to request a hand count and was joined by more than seven (7) Town Meeting Members. The motion was again presented and carried by a count of hands. The hand count was Yes 121 - No 86.

Mr. Marr explained that amendments to Articles 28 and 29 pertain to new State legislation and Article 30 addresses an abandonment of a portion of Pickering Street. He advised that the portion of Pickering Street was originally taken by eminent domain for highway purposes, but was never used.

Mr. Donald E. Kidd, Chairman of the Town Asset Review Committee, urged support of the amended Articles 28 and 29. He further stated that Article 30 arose out of discussions concerning the Kingsbury lots.

Under Article 30, Mr. Arthur M. Tiernan, Jr., Memorial Park Trustee, suggested granting this portion of Pickering Street to Memorial Park instead of the abutters.

Under Articles 28 and 29, Mr. Donald E. Kidd advised that the two parcels of land are not buildable lots.

After an extended discussion, a motion to move the previous question on the main motion and the motion to amend was offered by Mr. Lee B. Manning. The motion was presented and carried by voice vote.

Mr. Kidd's motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by a count of hands. The hand count was Yes 174 - No 38.

VOTED: That the Town authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "B" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 3,029 square feet more or less for not less than $3,029.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for five years or more, or to pay indebtedness incurred in the purchase of land or interests in land, in the construction or addition to buildings, including the cost of original equipment and furnishings.

ARTICLE 29

To see if the Town will vote to authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "A" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 2,027 square feet more or less, to Robert F. Enos and Barbara A. Enos, 38 Oakland Avenue, for not less than $2,027.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for ten years or more; or take any other action relative thereto.

MOVED: That the Town authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "A" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 2,027 square feet more or less, to Robert F. Enos and Barbara A. Enos, 38 Oakland Avenue, for not less than $2,027.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for ten years or more.

A motion to amend was offered by Mr. Donald E. Kidd to strike the words "to Robert F. Enos and Barbara A. Enos, 38 Oakland Avenue,", to strike the word "ten" and insert in place thereof the word "five", and to change the period to a comma at the end of the motion and add the following words "or to pay indebtedness incurred in the purchase of land or interests in land, in the construction or additions to buildings, including the cost of original equipment and furnishings.".

Mr. Kidd's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 195 - No 11.

VOTED: That the Town authorize the Board of Selectmen to convey by quitclaim deed that portion of the Town-owned property at Oakland Avenue and Kingsbury Street which is shown as Lot "A" on a Plan entitled "Plan of Land in the Town of Needham, Massachusetts, by David F. Greenwood, Town Engineer" dated March 9, 1990, which comprises 2,027 square feet more or less, for not less than $2,027.; such proceeds to be used for any purpose or purposes for which the Town is authorized to borrow for five years or more, or to pay indebtedness incurred in the purchase of land or interests in land, in the construction or additions to buildings, including the cost of original equipment and furnishings."

ARTICLE 30

To see if the Town will vote to discontinue that portion of Pickering Street running from Kingsbury Street northerly 270 feet more or less to Memorial Park, including associated corner roundings, as shown on a Plan entitled "Plan of the Discontinuance of a Portion of Pickering Street, by David F. Greenwood, Town Engineer" dated March 9, 1990; to retain certain easements for the Town as shown on said plan; and to grant all other ensuing rights to the abutters; or take any other action relative thereto.

MOVED: That the Town discontinue that portion of Pickering Street running from Kingsbury Street northerly 270 feet more or less to Memorial Park, including associated corner roundings, as shown on a Plan entitled "Plan of the Discontinuance of a Portion of Pickering Street, by David F. Greenwood, Town Engineer" dated March 9, 1990; to retain certain easements for the Town as shown on said plan; and to grant all other ensuing rights to the abutters.

A motion to amend was offered by Mr. Arthur M. Tiernan, Jr. to strike the words "the abutters" and insert in place thereof the words "Memorial Park".

A motion to amend was offered by Mr. Donald E. Kidd to strike the words "and to grant all other ensuing rights to the abutters" and insert in place thereof the words "and to grant all other ensuing rights to others in accordance with M.G.L. Chapter 30B."

A motion to refer the subject matter of Article 30 to the Board of Selectmen for further study was offered by Mr. Daniel P. Matthews.

After a lengthy discussion, a motion to move the previous question on the main motion and all other motions under Article 30 was offered by Mr. Thomas F. Soisson. The motion was presented and carried unanimously by voice vote.

Mr. Matthew's motion to refer the subject matter of Article 30 to the Board of Selectmen for further study was presented and carried by voice vote.

At 1:15 A.M. Mr. Lee B. Manning moved that the meeting stand adjourned to Wednesday, May 16, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted by voice vote.

Theodora K. Eaton, CMC,
Town Clerk

* * * * * *

RECORD OF SPECIAL TOWN ELECTION

May 15, 1990

Pursuant to a Warrant issued by the Selectmen March 27, 1990, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the fifteenth day of May in the year 1990 at 6:45 in the forenoon. The polls remained open until 8:00 o'clock in the afternoon.

The polling places had been designated as follows:

Precinct A - Hillside School
Precinct B - Hillside School
Precinct C - Newman Middle School (Mass. Criminal Justice Training Council)
Precinct D - High Rock School
Precinct E - Pollard Middle School
Precinct F - Stephen Palmer Community Room
Precinct G - Broadmeadow School
Precinct H - Broadmeadow School
Precinct I - William Mitchell School - Gymnasium
Precinct J - William Mitchell School - Gymnasium

The ballot box returns in the Precincts were as follows:

PRECINCTS	A	B	C	D	E
6:45 AM	0	0	0	0	0
7:00 AM	25	8	4	2	5
8:00 AM	61	89	66	78	99
9:00 AM	150	142	143	165	190
10:00 AM	189	198	200	235	243
11:00 AM	237	251	256	295	291
12:00 Noon	274	296	308	359	337
1:00 PM	324	333	384	399	400
2:00 PM	385	396	459	465	430
3:00 PM	416	447	515	525	484
4:00 PM	481	503	593	592	534
5:00 PM	557	569	662	682	624
6:00 PM	669	667	750	785	714
7:00 PM	769	770	877	912	813
8:00 PM	841	837	989	1015	915

PRECINCTS	F	G	H	I	J
6:45 AM	0	0	0	0	0
7:00 AM	14	36	10	21	7
8:00 AM	101	75	105	106	105
9:00 AM	182	162	183	198	184
10:00 AM	274	222	250	246	243
11:00 AM	361	262	317	303	295
12:00 Noon	411	323	369	378	345
1:00 PM	444	364	429	425	390
2:00 PM	501	402	502	483	431
3:00 PM	568	446	562	520	491
4:00 PM	641	516	635	584	536
5:00 PM	735	599	719	692	640
6:00 PM	827	734	844	844	802
7:00 PM	935	905	987	1012	954
8:00 PM	1028	1023	1073	1126	1067

NOTE: The absentee ballots are included in the Total Vote.

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 9:40 P.M., May 15, 1990.

The total number of votes cast was as follows:

Precinct A - 841
Precinct B - 837
Precinct C - 989
Precinct D - 1015
Precinct E - 915
Precinct F - 1029
Precinct G - 1022
Precinct H - 1073
Precinct I - 1126
Precinct J - 1068

TOTAL VOTE - 9,915
(55.21% of Registered Voters)

The result of the balloting was as follows:

	A	B	C	D	E	F	G	H	I	J	TOTAL
Total Number of Votes Cast	841	837	989	1015	915	1029	1022	1073	1126	1068	9,915
QUESTION #1 (GENERAL OVERRIDE)											
Yes	349	379	480	539	492	569	530	466	553	504	4,861
No	484	443	480	460	410	445	475	590	561	555	4,903
Blanks	8	15	29	16	13	15	17	17	12	9	151

The ballots cast in the several precincts were returned to the Town Clerk in the sealed packages. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 9:40 P.M., May 15, 1990.

Theodora K. Eaton, CMC,
Town Clerk

A true copy

Attest:

ADJOURNED ANNUAL TOWN MEETING

May 16, 1990

Pursuant to adjournment of the Annual Town Meeting held May 14, 1990, the Inhabitants of the town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 16, 1990, at 7:30 P.M.

Checklists were used and 257 voters were checked on the list as being present, including 241 Town Meeting Members.

Rev. Gordon C. Swan, Pastor, First Baptist Church, and President of the Needham Clergy Association, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

A motion to reconsider Article 2 Committee/Officer Reports was offered by Mr. Eric W. Fleming. The motion was presented, but it failed to pass by voice vote.

ARTICLE 31

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board.

Assessor, Chairman	$ 1,800.
Assessor, Others	1,500.
Selectman, Chairman	1,800.
Selectmen, Others	1,500.
Town Clerk	40,000.;

or take any other action relative thereto.

MOVED: That the Town fix the compensation of the following elected officers of the Town as of July 1, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board:

Assessor, Chairman	$ 1,800.
Assessor, Others	1,500.
Selectman, Chairman	1,800.
Selectmen, Others	1,500.
Town Clerk	40,000.

A motion was offered by Mr. Gary Uhl that the subject matter of Article 31 be postponed to a time certain, specifically, after Article 36 is disposed of.

Mr. Uhl's motion to postpone was presented and carried by voice vote.

ARTICLE 32

To see if the Town will vote to ratify, confirm and approve the action of the Personnel Board authorized by Section 11 and Section 12 of the Consolidated Personnel By-Law, in establishing new classifications and the appropriate compensation therefor. These actions, taken by the Personnel Board, occurred since the 1989 Annual Town Meeting.

At the request of the Director of Public Health, four (4) Seasonal Packer/Drivers (P.T.) Schedule C; at the request of the Board of Selectmen, two (2) new positions: One (1) Switchboard/Data Entry Operator (P.T.) Schedule A, Grade S-6, and one (1) Clerk, Selectmen, Schedule A, Grade S-7; at the request of the Treasurer, one (1) Principal Clerk, Treasurer, Schedule A, Grade S-7;

or take any other action relative thereto.

MOVED: That the Town ratify, confirm and approve the action of the Personnel Board authorized by Section 11 and Section 12 of the Consolidated Personnel By-Law, in establishing new classifications and the appropriate compensation therefor. These actions, taken by the Personnel Board, occurred since the 1989 Annual Town Meeting.

At the request of the Director of Public Health, four (4) Seasonal Packer/Drivers (P.T.) Schedule C; at the request of the Board of Selectmen, two (2) new positions: One (1) Switchboard/Data Entry Operator (P.T.) Schedule A, Grade S-6, and one (1) Clerk, Selectmen, Schedule A, Grade S-7; at the request of the Treasurer, one (1) Principal Clerk, Treasurer, Schedule A, Grade S-7.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 33

To see if the Town will vote to ratify, confirm and approve the action of the Personnel Board authorized by Section 10 (f) of the consolidated Personnel By-Law approving the employment of certain municipal employees at a step rate greater than the minimum rate established for the prospective positions involved, said action taken by the Personnel Board occurred since the 1989 Annual Town Meeting:

At the request of the Director of the Public Works Department that a Division Superintendent (Highway) be hired at Grade S-17, Maximum; that a General Foreman be hired at Grade S-14, Step 6; that a Heavy Motor Equipment Operator be hired at Grade W-4, Step 3; at the request of the Personnel Board that an Administrative Clerk, Personnel Department be hired at Grade S-9, Step 6; that a Personnel Director be hired at Grade S-17, Step 8; at the request of the Board of Assessors that the Administrative Assessor be paid at Grade S-17, Step 7; that an Assistant Administrative Assessor be hired at Grade S-14, Step 7; at the request of the Director of the Youth Commission that a Caseworker by hired at Grade S-13, Step 6; at the request of the Director of MIS that a Programmer/Computer Operator be hired at Grade S-10, Step 4; that a Senior System Analyst be paid at Grade S-18, Step 8.;

or take any other action relative thereto.

MOVED: That the Town ratify, confirm and approve the action of the Personnel Board authorized by Section 10 (f) of the consolidated Personnel By-Law approving the employment of certain municipal employees at a step rate greater than the minimum rate established for the prospective positions involved, said action taken by the Personnel Board occurred since the 1989 Annual Town Meeting:

At the request of the Director of the Public Works Department that a Division Superintendent (Highway) be hired at Grade S-17, Maximum; that a General Foreman be hired at Grade S-14, Step 6; that a Heavy Motor Equipment Operator be hired at Grade W-4, Step 3; at the request of the Personnel Board that an Administrative Clerk, Personnel Department be hired at Grade S-9, Step 6; that a Personnel Director be hired at Grade S-17, Step 8; at the request of the Board of Assessors that the Administrative Assessor be paid at Grade S-17, Step 7; that an Assistant Administrative Assessor be hired at Grade S-14, Step 7; at the request of the Director of the Youth Commission that a Caseworker by hired at Grade S-13, Step 6; at the request of the Director of MIS that a Programmer/Computer Operator be hired at Grade S-10, Step 4; that a Senior System Analyst be paid at Grade S-18, Step 8.

A motion to amend was offered by Mr. Gary Uhl by adding the following words at the end of the main motion: "at the request of the Finance Director that a Comptroller be hired at Grade S-18 Step 6.".

Mr. Uhl's motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town ratify, confirm and approve the action of the Personnel Board authorized by Section 10 (f) of the Consolidated Personnel By-Law approving the employment of certain municipal employees at a step rate greater than the minimum rate established for the prospective positions involved, said action taken by the Personnel Board occurred since the 1989 Annual Town Meeting:

At the request of the Director of the Public Works Department that a Division Superintendent (Highway) be hired at Grade S-17, Maximum; that a General Foreman be hired at Grade S-14, Step 6; that a Heavy Motor Equipment Operator be hired at Grade W-4, Step 3; at the request of the Personnel Board that an Administrative Clerk, Personnel Department be hired at Grade S-9, Step 6; that a Personnel Director be hired at Grade S-17, Step 8; at the request of the Board of Assessors that the Administrative Assessor be paid at Grade S-17, Step 7; that an Assistant Administrative Assessor be hired at Grade S-14, Step 7; at the request of the Director of the Youth Commission that a Caseworker by hired at Grade S-13, Step 6; at the request of the Director of MIS that a Programmer/Computer Operator be hired at Grade S-10, Step 4; that a Senior System Analyst be paid at Grade S-18, Step 8 at the request of the Finance Director that a Comptroller be hired at Grade S-18, Step 6.

ARTICLE 34

To see if the Town will vote to amend the Classification and Standard Rates of Compensation in its entirety and by substituting therefore a new Classification and Standard Rates of Compensation; or take any other action relative thereto.

NOTE:

All revisions to the Classification and Standard Rates of Compensation will be provided to Town Meeting Members as early as possible before May 7, 1990.

Except as otherwise required by State Law, the classes of positions in paid appointive service by the Town other than those in the service of the School Department and Glover Memorial Hospital and the standard Rates of Compensation hereof, effective July 1, 1990, may be found in the Classification and Standard Rates of Compensation, as amended.

MOVED: That the Town amend the Classification and Standard Rates of Compensation in its entirety and by substituting therefore a new Classification and Standard Rates of Compensation.

A motion was offered by Mr. Gary Uhl that the subject matter of Article 34 be postponed to a time certain, specifically, after Article 36 is disposed of.

Mr. Daniel P. Matthews opposed the motion to postpone Article 34. He stated that Town Meeting should not approve a general wage increase unless funding is available without discontinuance of other Town programs. The override question did not pass. Funds are not available to fund services and salary increases. He suggested that the Board of Selectmen go back to the bargaining units and rebargain.

Mr. H. Phillip Garrity, Jr., Selectman, advised that under M.G.L. Chapter 151E, the Board of Selectmen must negotiate in good faith. Town Meeting must vote in the affirmative or in the negative to fund contracts. He further stated that Town Meeting can mitigate the shortfall by 1.3 million dollars, negate all salary raises in this Town, and fund several services. However, the police officers are in the second year of a two-year contract. The police will get a 5% wage increase as well as the Police Superior Officers. The Fire Union, DPW and Town Hall Associates effectively signed contracts for 5%. Mr. Garrity indicated that it is not proper to save 1.3 million dollars worth of services on the backs of Town employees. A zero pay raise is actually an $800 per year cut since that is the amount of increased costs in medical insurance for Town employees.

Mrs. Margaret G. Murphy, member, School Committee, advised that the School Committee is currently in mediation/negotiation with the teachers and are obligated to pay teachers the last best offer on the table. She further indicated that the school contract is exempt from Town Meeting.

Mr. William J. Miles concurred with Mr. Matthews. Mrs. Meredith P. Page advised that the Town is dealing with a lack of money and Town Meeting must pass a balanced budget and pay for it.

A motion to move the previous question was offered by Mr. Richard L. Malconian. The motion was presented, but it failed to pass by voice vote.

The following Town Meeting Members spoke in support of Article 34: Mr. Thomas N. Alpert, Mrs. Maryruth Perras, Mr. Eugene S. McMorrow, Mr. Richard B. Weitzen, and Mrs. Lois Sockol.

The following Town Meeting Members suggested approval of a general wage increase at somewhere between zero and 5%: Mr. Russell S. Broad, Jr. and Mr. Robert T. Heald.

Mr. Paul Theodore Owens, member of the Finance Committee, advised that the Finance Committee voted to oppose a 5% general wage increase.

After a lengthy discussion, a motion to move the previous question on the main motion and the motion to postpone was offered by Mr. Gerald C. Rovner. The motion was presented and carried by voice vote.

Mr. Uhl's motion to postpone to a time certain was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, but it failed to pass by a count of hands. The hand count was Yes 86 - No 141.

ACTION: The main motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, but it failed to pass by a count of hands. The hand count was Yes 82 - No 142.

ARTICLE 35

To see if the Town will vote to amend the Consolidated Personnel By-Law as follows:

In Section 11. CLASSIFICATION PLAN, subsection b) Position Descriptions., by adding the words "and for each class of paid elective positions" at the end of the first sentence ending with the words "Classification Plan" and to delete the period after the words "Classification Plan" and insert a comma in place thereof;

or take any other action relative thereto.

MOVED: That the Town amend the Consolidated Personnel By-Law as follows:

In Section 11. CLASSIFICATION PLAN, subsection b) Position Descriptions., by adding the words "and for each class of paid elective positions" at the end of the first sentence ending with the words "Classification Plan" and to delete the period after the words "Classification Plan" and insert a comma in place thereof.

The following motion to amend was offered by Mr. James Hugh Powers:

To amend the definition of Full Time Employment under Section 4 of the Consolidated Personnel By-Law by inserting the words "or Election" after the word "Appointment" so that the definition reads as follows:

"Full Time Employment - Appointment or Election to a permanent position for not less than seven and one-half (7½) hours per day, for five (5) days per week for fifty-two (52) weeks per year, minus legal holidays, vacation, and other authorized leaves of absence. Full Time Employees are eligible for leaves and benefits."

Mr. Powers' motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend the Consolidated Personnel By-Law as follows:

In Section 11. CLASSIFICATION PLAN, subsection b) Position Descriptions., by adding the words "and for each class of paid elective positions" at the end of the first sentence ending with the words "Classification Plan" and to delete the period after the words "Classification Plan" and insert a comma in place thereof.

and

To amend the definition of Full Time Employment under Section 4 of the Consolidated Personnel By-Law by inserting the words "or Election" after the word "Appointment" so that the definition reads as follows:

"Full Time Employment - Appointment or Election to a permanent position for not less than seven and one-half (7½) hours per day, for five (5) days per week for fifty-two (52) weeks per year, minus legal holidays, vacation, and other authorized leaves of absence. Full Time Employees are eligible for leaves and benefits."

ARTICLE 36

To see what sums of money the Town will vote to raise and appropriate for the necessary Town charges and expenses.

Mr. James C. Brierley, Jr., Chairman, Finance Committee, addressed Town Meeting on the financial outlook for Fiscal Year 1991. He advised that the Finance Committee anticipated a 2.5 million dollar shortfall last fall and that prediction has not changed. The Finance Committee has tried to prioritize the spending of the Town. Service levels had to be reduced. Five departments were considered to be the life blood of the community and, therefore, sheltered from as much of the cutting as possible. Those departments were Education, Police, Fire, Public Works and General Government. The following departments were funded at a level sufficient to retain the Director in each department: Youth Commission, Council On Aging, and Park and Recreation. The Library budget was reduced by 53% since that department was placed between critical and less critical. With the proposed level of funding for the Library, the general public will continue to have access to library services, although without the same level of convenience. The budget had to be balanced and it is balanced, although not to our likening.

A motion was offered by Mr. James Hugh Powers that the following special rule be adopted for the regulation of certain motions offered under Article 36 of the Warrant for this 1990 Annual Town Meeting, to assure compliance of budget votes with the levy limit requirements of General Laws, Chapter 59, Section 21C.

Any motion offered to increase the amount of an appropriation line item of the budget for FY 1991 above the amount recommended by the Finance Committee shall also propose such reductions in other line items, except line items appropriating sums to pay principal and interest on the Town debt, as shall equal in aggregate such increase aforesaid, to the end that the total budge voted for the Town under this Warrant Article shall be within the levy limit mandated by said Section 21C.

Mr. Powers indicated that the intent of his motion is simple The bottom line of the budget must be maintained. Thus, if a line item is increased, there must be an offset decrease.

A motion to amend Mr. Powers' motion was offered by Mr Thomas M. Harkins to add the words "or a sufficient amount by way of fee revenues" after the words "the Finance Committee shall also propose such reductions in other lime items".

In response to an inquiry from Mr. Patrick J. Hyland, Mr Garrity concurred that the Town could not anticipate new revenues without approval from the Department of Revenue. Concern was expressed by Town Meeting Members on anticipated fee revenues.

A motion was offered by Mr. David C. Crocker to accept the Finance Committee's recommended line item amendments en masse. Mr. Crocker suggested that the Finance Committee return with a new amended budget for Town Meeting to review at the next Adjourned Annual Town Meeting.

After a brief discussion, Mr. Lee B. Manning moved the previous question on Mr. Powers' motion and Mr. Harkins' motion to amend. The motion to move the previous question was presented and carried unanimously by voice vote.

Mr. Harkins' motion to amend was presented, but it failed to pass by voice vote.

Mr. Powers' motion was presented and it carried by voice vote.

A motion was offered by Mr. Gerald C. Rovner that the rules under Mr. Powers' motion be suspended only for the purpose of placing the Finance Committee's amendments on the floor. Mr Rovner's motion was presented and carried by voice vote.

Mr. Crocker's motion was presented and carried by voice vote.

The following amendments to the budget article presented by the Finance Committee were voted in the affirmative.

	Line Item	Description	Changing From	Changing To
Selectmen	001	Salaries	176,391	174,091
	003	Expenses	161,980	159,650
Town Clerk	015	Salaries	69,530	69,030
	016	Expenses	5,325	4,000
Board of Registrars	020	Expenses	21,365	20,230
Legal	025	Special Fees	90,000	88,920
Personnel	026	Salaries	68,622	66,821
Assessors	031	Revaluation	40,000	35,423
Finance	007	Insurance, General	628,840	548,480
	008	Insurance, Group Life A&H	3,060,000	3,154,000
	009	Workers Compensation	448,000	438,000
	011	Uniformed Serv./Med.Pay.	86,000	82,000
	033	Salaries	489,882	498,023
	036	Expenses	396,794	410,794
	045	Bond Interest	187,111	187,711
Finance Committee	049	Salaries	11,345	11,047
Contrib. Retire.	054	Expenses	4,100	3,140
Education	064	Operation/ Maintenance	948,100	885,300
	071	Capital Outlay	340,000	0

	Line Item	Description	Changing From	Changing To
Police	073	Salaries-Regular	1,903,291	1,855,869
	074	Salaries-Overtime	314,349	306,330
Fire	088	Salaries-Regular	2,287,822	2,215,893
Civil Defense	099	Expenses	15,200	15,147
Building	101	Salaries	122,940	119,713
Weights & Measures	105	Expenses	1,740	1,558
DPW-				
Admin.	106	Salaries	161,018	156,684
Engineering	109	Salaries	238,965	232,530
Garage	111	Salaries	175,163	170,447
Highway	114	Salaries	529,539	515,273
Parks	117	Salaries	407,899	396,912
Sewer	120	Salaries	398,993	388,246
Water	125	Salaries	389,285	378,798
Board of Health	139	Purchase of Service	91,264	86,504
Veteran's Service	184	Expenses-Parking Clerk	3,652	2,675
Youth Commission	148	Salaries	65,892	70,702
	149	Expenses	6,810	270
Council on Aging	150	Salaries	58,450	56,916
Planning Board	152	Salaries	67,508	65,736
Conservation Commission	157	Purchase of Service	4,175	4,023
Board of Appeals	158	Salaries	5,000	4,869
Library	161	Salaries	287,398	279,854
Park & Recreation	172	Salaries	236,038	229,842

At 11:30 P.M. Mr. Gilbert W. Cox, Jr., moved that the meeting stand adjourned to Monday, May 21, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

May 21, 1990

Pursuant to adjournment of the Annual Town Meeting held May 16, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Monday, May 21, 1990, at 7:30 P.M.

Checklists were used and 304 voters were checked on the list as being present, including 240 Town Meeting Members.

Cantor Harry Gelman, Temple Aliyah, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Moderator shared two thoughts with Town Meeting Members. First, we will get through this difficult time. The issues will be resolved. Second, when we vote or make a selection, it is usually to do what we want. This Town Meeting has the choice of voting for something it doesn't want.

Marcia M. Carleton moved that the Annual Town Meeting stand adjourned until such time that the Special Town Meeting called for this evening at 7:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

* * * * * *

SPECIAL TOWN MEETING

May 21, 1990

Pursuant to a warrant issued by the Selectmen on April 24, 1990, this meeting was called for May 21, 1990, at 7:30 P.M. The call to the meeting and the Officer's Return were read by the Town Clerk.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Unanimous consent was given to omit the reading of the articles and to refer to them by number only. The same parliamentary rules as outlined for the Annual Town Meeting were adopted.

ARTICLE 1

To see if the Town will vote to amend and supersede certain parts of the 1990 Operating Budget, adopted under Article 15 at the 1989 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended; or take any other action relative thereto.

MOVED: That the Town amend and supersede certain parts of the 1990 Operating Budget, adopted under Article 15 at the 1989 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended.

A motion was offered by Mr. Patrick J. Hyland that the subject matter of all articles in the Special Town Meeting Warrant be postponed to a time certain, specifically after the Operating Budget Article 36 and the Personnel Board's Article 31 have been disposed of. The motion was presented and carried by voice vote.

* * * * * *

The Moderator called the Annual Town Meeting to order, declared a quorum to be present, and requested the Town Clerk to so record.

Discussion under Article 36 (Operating Budget) commenced with an inquiry from Susan R. Posner on the Finance Committee's recommendation of $400,000. additional money for possible amendments.

Mr. James C. Brierley, Jr., Chairman, explained that the Finance Committee allocated $44.9 million to various departments. The total revenue projected for Fiscal Year 1991 is $45.3 million. The amount of money Town Meeting appropriates to adjust salary line items is a direct relationship to the number of people who will be laid off. The more people laid off, the higher the unemployment compensation costs will be and the Town must fund these costs.

Mr. Brierley continued to explain that the Finance Committee has met almost weekly since October. The Committee has placed safety nets for flexibility in order to be prepared for a positive or negative vote on the General Override ballot question. The Finance Committee could not support salary increases if the override failed. Article 36 provided Town Meeting a budget with an additional $400,000. for possible amendments. The total funding necessary to provide a 5% salary increase plus step increases to 24% of the employees equals $1.4 million. Some salary increases are unavoidable. The Police already signed a two-year contract last year and a good faith offer already in existence in the School Department is not retractable. In light of this, the Finance Committee recommends voting no on the budget amendments and placing the balance in reserve for cost of living adjustments and unemployment compensation costs. Unemployment compensation to lay off 36 people would cost approximately $193,000. Thus there would be approximately $197,000. in funds available for cost of living adjustment.

A motion to amend the following line items under Article 36 (Operating Budget) was offered by Mr. John W. Lebourveau, Chairman, Library Trustees:

Department		Description	FINANCE COMMITTEE 79th Report Included	Excluded	AMENDMENT Reduction	Line	Amount
Selectmen	001	Salaries	174,091		1,133	161	1,172,958
	002	Telephone Charges	0				
	003	Expenses	159,650		1,039	165	158,611
	004	Town Meeting	0				
	005	Capital Outlay	3,000		20	163	2,980
	006	Out-of-State Travel	0				
	012	Street Lighting	350,000		2,279	161	347,722
	014	Garbage	94,500		615	161	93,885
Town Clerk	015	Salaries	69,030		449	161	68,581
	016	Expenses	4,000		26	161	3,974
	017	Out-of-State Travel	55		0		55
Board of Registrars	019	Salaries	43,249		282	165	42,967
	020	Expenses	20,230		132	165	20,098
	021	Tellers & Canvassers	17,250		112	163	17,138
	022	Capital Outlay	0				
Legal	023	Salaries	41,148		268	161	40,880
	024	Expenses	4,630		30	165	4,600
	025	Special Fees	88,920		579	163	88,341
Personnel	026	Salaries	66,821		435	161	66,386
	027	Purchase of Service	10,685		70	162	10,615
	028	Expenses	2,575		17	165	2,558
TOTAL GENERAL GOVERNMENT			1,149,834		7,485		1,142,349
Assessors	029	Salaries	174,378		1,135	161	173,243
	030	Expenses	8,950		58	162	8,892
	031	Revaluation	35,423		231	163	35,192
	032	Capital Outlay	1,000		0		1,000
Finance	007	Insurance, General		548,480			
	008	Insurance, Group Life		3,154,000			
	009	Workers Compensation		438,000			
	010	Prop & Casualty	12,000		78	165	11,922
	011	Uniform Serv/Med P	82,000		534	163	81,466
	013	Unemployment Comp.	30,000		195	161	29,805
	033	Salaries	498,023		3,242	161	494,781
	034	Purchase of Serv/At.	124,150		808	163	123,342
	035	Travel Out of State	1,200		0		1,200
	036	Expenses	410,794		2,674	163	408,120
	037	Capital Outlay	5,650		37	162	5,613
	044	Maturing Bonds		1,071,000			
	045	Bond Interest		187,711			
Finance Committee	049	Salaries	11,047		72	161	10,975
	050	Expenses	700		0		700
	051	Reserve Fund	300,000				
Contributory Retirement	052	Salaries	36,588		238	161	36,350
	053	Contributions		3,071,562			
	054	Expenses	3,140		20	165	3,120
Non-Contributory Retirement	056	Chap 32, Retirements		222,000			
	057	Past Service Liability	0				
TOTAL FINANCE			1,732,412	8,695,384	11,278		1,721,134

Department		Description	FINANCE COMMITTEE 79th Report Included	Excluded	AMENDMENT Reduction	Line	Amount
Education	058	Salaries	16,112,000		104,889		16,007,111
	059	Administration	116,835		761		116,074
	060	Instruction	720,762		4,692		716,070
	061	Other School Service	88,911		579		88,332
	062	Cafeteria Assistance	0				
	063	Transportation	406,485		2,646		403,839
	064	Operation/Maintenance	885,300		5,763		879,537
	065	Community Service	82,325		536		81,789
	066	Fixed Assets	0				
	067	Tuitions	1,082,709		7,048		1,075,661
	068	Travel Out of State	0				
	071	Capital Outlay	0				
Minuteman Voc Tec	072	Vocational Education	453,794		2,954		450,840
EDUCATION TOTAL			19,949,121				19,819,252
						161	98,884
					129,869	162	9,582
						136	21,403
Police	073	Salaries-Regular		1,855,869			
	074	Salaries-Overtime		306,330			
	075	Education/Car. Inctv.	0				
	076	In-Service Training	0				
	076	Purchase of Service	83,477		543	162	82,934
	077	Capital Outlay	75,000		488	163	74,512
	078	Travel Out of State	0				
	079	Auto Maintenance	0				
	080	Building Maintenance	0				
	081	Communications	0				
	082	Expenses	154,052		1,003	163	153,049
	084	Uniforms	0				
	085	Crime Check Committee	0				
	086	Animal Control	0				
	087	F.B.I. Academy	0				
TOTAL POLICE			312,529	2,162,199	2,035	161	310,494
Fire	088	Salaries-Regular	2,215,893		14,425	161	2,201,468
	089	Salaries-Overtime	445,000		2,897	161	442,103
	090	Education/Car. Inctv	25,000		163	163	24,837
	091	In-Service Training	97,000		631	163	96,369
	092	Capital Outlay	20,518		134	162	20,384
	093	Travel Out of State	1,750		0		1,750
	094	Purchase of Service	87,363		569	163	86,794
	095	Expenses	131,945		859	161	131,086
	182	Salaries O/T Alarm	7,350		48	162	7,302
TOTAL FIRE			3,031,819		19,726		

Department		Description	FINANCE COMMITTEE 79th Report Included	Excluded	AMENDMENT Reduction	Line	Amount
DPW Administration	106	Salaries	156,684		1,020	161	155,664
	107	Expenses	7,460		49	162	7,411
	108	Travel Out of State	0				
DPW Engineering	109	Salaries	232,530		1,514	161	231,016
	110	Expenses	5,085		33	162	5,052
DPW Garage	111	Salaries	170,447		1,110	161	169,337
	112	Expenses	102,885		670	161	102,215
	113	Equipment Replacement	283,919		1,848	163	282,071
DPW Highway	114	Salaries	515,273		3,354	161	511,919
	115	Sal. Parking Meter	36,000		234	161	35,766
	116	Expenses	1,202,755		7,830	163	1,194,925
DPW Parks	117	Salaries	396,912		2,584	161	394,328
	118	Expenses	106,730		695	165	106,035
	119	Capital Outlay	0				
DPW Sewer	120	Salaries	388,246		2,527	161	385,719
	121	Expenses	111,400		725	161	110,675
	122	House Connections	0				
	180	MWRA Sewer Charges		1,907,135			
DPW Snow & Emergency	123	Salaries Overtime	60,000		391	163	59,609
	124	Expenses	90,000		586	163	89,414
DPW Water	125	Salaries	378,798		2,466	161	376,332
	126	Expenses	266,079		1,732	161	264,347
	127	Main Ext/New Serv.	20,000		130	163	19,870
	181	MWRA Water Charges		52,876			
TOTAL DPW			4,531,203	1,960,011	29,498		4,501,705
TOTAL REDUCTIONS					199,969		

					Increases		
Library	161	Salaries	279,854		147,122	161	427,000
	162	Purchase of Services	51,800		10,554	162	62,354
	163	Books, Periodicals	0		40,000	163	40,000
	164	Building Maintenance	0		0		0
	165	Expenses	13,700		2,293	165	16,000
	166	Capital Outlay	0		0		0
	167	Travel Out of State	0		0		0
TOTAL LIBRARY			345,354		199,969		545,354

Mr. Lebourveau addressed his proposed amendments to the various line items under the Operating Budget. He explained that the Library budget has been reduced 55%. He is requesting that Town Meeting restore approximately $200,000. or one half of what the Library has lost. He explained that as of July 1, 1990, the Library will have lost its eligibility for State Aid, the use of Wellesley's library, and about ten employees. He urged support for these amendments.

A motion to amend the following line items under Article 36 (Operating Budget) was offered by Mr. H. Phillip Garrity, Jr.:

Line Item	Description	Changing From	Changing To
001	Selectmen Salaries	174,091	180,147
015	Town Clerk Salaries	69,030	71,682
019	Board of Registrar Salaries	43,249	44,741
026	Personnel Salaries	66,821	68,157
029	Assessors Salaries	174,378	181,696
033	Finance Salaries	498,023	515,950
052	Contributory Retirement Salaries	36,588	39,266
073	Police Salaries - Regular	1,888,318	1,891,178
088	Fire Salaries - Regular	2,321,233	2,219,154
101	Building Salaries	119,713	124,388
106	DPW Admin. Salaries	161,443	165,215
135	Board of Health Salaries	181,349	187,774
145	Veterans' Salaries	37,214	37,909
148	Youth Commission Salaries	70,702	73,334
150	Council on Aging Salaries	56,916	57,952
152	Planning Board Salaries	65,736	67,013
172	Park and Recreation Salaries	229,842	233,201 ;

to be raised from the Finance Committee Reserve Fund.

Mr. Garrity advised that this first amendment includes the cost of living adjustments negotiated with the Town Hall Associates and the new Olney Associates recommendation for the secretarial/ clerical positions in Town Hall.

The Moderator indicated that the issues before Town Meeting are appropriations in the Operating Budget. Town Meeting Members can only vote up or down the appropriation. The Moderator then stepped down from the podium and addressed Town Meeting as a Town Meeting Member. He urged defeat of the contracts and the proposals of the Town Government Review Committee. He urged support of three Personnel Board articles which will come before Town Meeting under the Omnibus Article. He further indicated that while the Board of Selectmen have the right under M.G.L. Chapter 150E, the Board took the negotiations away from the Personnel Board. Now the Board of Selectmen through the Town Government Review Committee are trying to take over the personnel administration. Mr. Melick indicated that in order to maintain government checks and balances, it is essential that Town Meeting does not vote the Personnel Board out of existence.

Mr. H. Phillip Garrity, Jr., Selectman, explained that he came before Town Meeting two years ago to ask for the creation of a Town Government Review Committee because he felt that the system was broken then and it is broken now. The Town Government Review Committee is made up of nine members, seven from the legislative branch and two from the Board of Selectmen. He urged Town Meeting Members to listen to the merits of the Committee's proposals. He further noted that M.G.L. Chapter 150E placed the responsibility of contract negotiations with the Board of Selectmen or their designees. The Board of Selectmen had previously designated the Personnel Board as its bargaining agents. The Board of Selectmen resumed negotiations when relations deteriorated between the two boards. The Board of Selectmen has statutory responsibilities and will exercise those responsibilities. He indicated that he does not agree with the Moderator that there should be an elected Charter Commission because the General By-Laws and Personnel By-Laws can be amended. He does concur with the Moderator on one thing - the preservation of Town Meeting.

Under Line Item No. 51, a motion to amend was offered by Mr. Daniel P. Matthews that the amount of $300,000. be increased to $704,595. (notwithstanding Mr. Powers' motion). The motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried unanimously by voice vote.

Mrs. Mary Ellen Herd and Mr. George Tarallo opposed Mr. Garrity's motion to amend. Dr. Vincent C. Nuccio opposed Mr. Lebourveau's motion to amend.

After a brief discussion, Mr. Arthur Wald moved the previous question on Mr. Garrity's motion to amend. The motion to move the previous question was presented and carried by voice vote.

In response to an inquiry from Mr. Ron Sockol, it was determined that Mr. Garrity's three motions to amend must be presented in the following order: DPW, Fire and Town Hall Associates. Unanimous consent was given to suspend the rules.

In response to Mr. Donald F. Russell, Mr. Garrity advised that the motions to amend are specifically asking to vote yes or to vote no on funding the contracts. Mr. Neil O. Alper stated that Town Meeting had sent a message under Article 34.

A motion to move the previous question was offered by Mr. Gerard C. Browne. The motion was presented and carried unanimously by voice vote.

A motion to amend the following line items under Article 36 (Operating Budget) was offered by Mr. H. Phillip Garrity, Jr.:

Line Item	Description	Changing From	Changing To
111	DPW-Garage Salaries	170,447	177,037
114	DPW-Highway Salaries	515,273	538,684
117	DPW-Parks Salaries	396,912	412,626
120	DPW-Sewer Salaries	388,246	405,216
125	DPW-Water Salaries	378,798	393,578 ;

to be raised from the Finance Committee Reserve Fund.

Mr. Garrity's motion to amend was presented, but it failed to pass by a count of hands. The hand count was Yes 47 - No 167,

A motion to amend the following line items under Article 36 (Operating Budget) was offered by Mr. H. Phillip Garrity, Jr.:

Line Item	Description	Changing From	Changing To
088	Fire-Salaries	$2,215,893	$2,321,233
090	Fire-Education/ Career Incentive	25,000	27,500 ;

to be raised from the Finance Committee Reserve Fund.

After a brief discussion, a motion to move the previous question was offered by Mr. Jason Levy. The motion was presented and carried unanimously by voice vote.

Mr. Garrity's motion to amend was presented, but it failed to pass by voice vote.

After a brief discussion, a motion to move the previous question was offered by Mr. Donald F. Russell. The motion was presented and carried unanimously by voice vote.

A motion to amend the following line items under Article 36 (Operating Budget) was offered by Mr. H. Phillip Garrity, Jr.:

Line Item	Description	Changing From	Changing To
001	Selectmen Salaries	174,091	180,147
015	Town Clerk Salaries	69,030	71,682
019	Board of Registrar Salaries	43,249	44,741
026	Personnel Salaries	66,821	68,157
029	Assessors Salaries	174,378	181,696
033	Finance Salaries	498,023	515,950
052	Contributory Retirement Salaries	36,588	39,266
073	Police Salaries - Regular	1,888,318	1,891,178
088	Fire Salaries - Regular	2,321,233	2,219,154
101	Building Salaries	119,713	124,388
106	DPW Admin. Salaries	161,443	165,215
135	Board of Health Salaries	181,349	187,774
145	Veterans' Salaries	37,214	37,909
148	Youth Commission Salaries	70,702	73,334
150	Council on Aging Salaries	56,916	57,952
152	Planning Board Salaries	65,736	67,013
172	Park and Recreation Salaries	229,842	233,201 ;

to be raised from the Finance Committee Reserve Fund.

Mr. Garrity's motion to amend was presented, but it failed to pass by voice vote.

At 11:35 P.M., Mr. Gilbert W. Cox, Jr. moved that the meeting stand adjourned until Wednesday, May 23, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

May 23, 1990

Pursuant to adjournment of the Annual Town Meeting held May 21, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 23, 1990, at 7:30 P.M.

Checklists were used and 275 voters were checked on the list as being present, including 235 Town Meeting Members.

Rev. Paul C. Clayton, Pastor, Congregational Church of Needham, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Discussion under Article 36 (Operating Budget) continued with the amendment offered by Mr. John W. Lebourveau on behalf of the Needham Public Library. Mr. Lebourveau's amendment had been placed on the floor on Monday, May 21, 1990 and had not been disposed of.

The Moderator announced his plan to allow each Department Head to address the reductions in his/her budget proposed by Mr. Lebourveau's amendment.

The following individuals addressed the proposed line item reductions in their budgets: Carl Valente, Executive Secretary, Board of Selectmen; Theodora K. Eaton, Town Clerk, Board of Registrars; David S. Tobin, Town Counsel; Gary Uhl, Chairman, Personnel Board; Lois M. Duffy, Administrative Clerk, Board of Assessors; Carl Valente, Department of Finance; James C. Brierley, Jr., Chairman, Finance Committee; Evelyn M. Poness, Treasurer, Contributory Retirement; John E. Gamel, Claire Kroll Fusaro, David Summergrad, members of the School Committee; Mark Tobin, representative of the Minuteman Technical School; Police Chief William G. Slowe; Fire Chief Robert DiPoli and Robert A. MacEwen, Director of Public Works.

The following departments agreed to small reductions in their budgets for the benefit of the Needham Public Library: Town Clerk/Board of Registrars, Personnel Board and Board of Assessors. The remaining departments did not agree on further reductions to their budgets. Mr. Carl Valente expressed concern that most of the budgets had been level funded and could not be reduced any more. Mr. James C. Brierley, Jr., Chairman, Finance Committee, opposed this amendment. He explained that the Finance Committee took an entire year to prepare this budget and urged rejection of the entire amendment.

Mrs. Claire Kroll Fusaro, member, School Committee, advised that the School Committee is known for sound fiscal management. She stated that the Finance Committee thanked the School Committee last year for submitting a budget amounting to $400,000. less than anticipated. She asked for support of the bottom line of the education budget. Also speaking in support of the School budget were John E. Gamel, Chairman, and David Summergrad, member. Mr. Summergrad explained that the School Committee cut its budget upon request from the Finance Committee. The School Committee has a moral obligation to present a budget which is best for the students of Needham. According to Mr. Summergrad, the Committee has cooperated, but there is a limit. He urged support to maintain the School budget.

Mr. Mark Tobin, representative on the Minuteman Regional Vocational Technical School Committee, advised that it has had a level-funded budget for two years. The enrollment from the Town of Needham has increased and State aid has decreased. The level funding has been achieved by staff reductions and lowered share of health costs. He noted that there are 51 Needham students attending Minuteman this year.

Police Chief William G. Slowe advised that the Police Department cannot be cut any more than it has. There are two dimensions to safety - public safety and officer safety. The ratio of police officers to residents is the lowest it has been since the 1960s. This means less coverage, slower response time and lower morale. Additional cuts would cause serious jeopardy to the Town of Needham.

Fire Chief Robert DiPoli indicated that he has spent his first year as Fire Chief trying to establish credibility. He has saved money over the year, reduced overtime, ran shorthanded and made cuts. With the existing cuts in the Fire Department, Mutual Aid will be affected as well as the ambulance service. Additional cuts will leave our Town in jeopardy.

Mr. Robert A. MacEwen, Director, Department of Public Works, indicated that the cuts in the Department of Public Works represented in the Library handout do not seem like much. However, the Public Works budget has already been cut by over $300,000. He indicated that his department has been level funded for several years and it is losing the equivalent of ten people. He also noted that services are decreasing, proficiency dropped, roads let go, and Town Meeting has just passed mandatory recycling with no funds to carry out this project.

Mr. James C. Brierley, Jr., Chairman, advised Town Meeting Members that they now share a bond with the Finance Committee. Town Meeting Members shared (in two hours) a small microcosm of what the Finance Committee has been doing over the last seven months. The Finance Committee did not make reductions lightly. It's been a very difficult period of time. The School Committee cut its budget by $1.4 million. That is the equivalent of three libraries. The Town needs a certain level of education and it's not the same as when we were in school. Cuts in the Police and Fire Departments are risks to public safety. It is simple mathematics - if you cut people in those departments, you're cutting a safety

factor in the Town. Cuts in the Library were to fund specific safety areas. The more cuts you make, the more risks you take. The Town will not loose a life with cuts to the Library. That was the rationale of the Finance Committee. If you take any more money away from Police and Fire you are increasing the risk factor. Mr. Brierley urged defeat of Mr. Lebourveau's amendment on behalf of the Finance Committee.

Mr. Robert D. Hall, Jr., Library Trustee, explained that he will address the budget as a whole and not line by line. He does not agree with Mr. Lebourveau's method, but does agree with the goal of restoring funds to the Library.

In response to a point of order raised by Mr. Richard W. Gatto, the Moderator advised that Mr. Hall will oppose Mr. Lebourveau's motion to amend and offer his own amendment.

Mr. Hall continued by indicating the need to restore vital funds to Police, Fire, Library, Council on Aging, and school transportation by cutting funds in areas where there is some perceived fat. He advised that his amendment will propose specific line item reductions to be transferred into the Reserve Fund and ultimately to be transferred to other specific line items.

Mrs. Joyce S. Rockmore requested that in the future all overrides are unbundled thereby giving the voters a choice. Mrs. Joan D'Arcy Sheridan suggested reducing the school legal and transportation fees for Special Education students and fund several needed areas.

Dr. Frederick Tirrell, Superintendent of Schools, indicated that the School Department has an obligation to teach all Needham's students in the most appropriate setting. Of the over 400 special needs students, only 37 students are taught outside of Needham.

After a brief discussion, Mr. Lee B. Manning moved the previous question on Mr. Lebourveau's motion to amend. The motion to move the previous question was presented and carried by voice vote.

Mr. Lebourveau's motion to amend Article 36 (Operating Budget) was presented, but it failed to pass by voice vote.

A motion to amend the line items under Article 36 (Operating Budget) was offered by Mr. Robert D. Hall, Jr. (presented on page 76).

The following motion to amend Mr. Hall's motion to amend was offered by Mrs. Doris O. Waldstein: To amend Line Item #179 Community Center to Line Item #150 Salaries increasing $56,916. by $2,600.

At 10:55 P.M., Mr. William M. Powers moved that the meeting stand adjourned until Monday, May 28, 1990, at 7:30 P.M. at the Newman Middle School, but it failed to pass by voice vote.

Under Line Item #12 Street Lighting, Mr. Patrick Alessi, resident, advised that by changing the street lamps from mercury to sodium, the Town would realize a savings of approximately $80,000. the first year and ultimately $130,000. once all lamps are changed. Mr. Robert A. MacEwen, Director of Public Works, thanked Mr. Alessi for bringing this matter to the attention of the Town. However, it will take some time to convert all the street lamps in the Town. He further noted that to change all the lamps at once would cost the Town approximately $94,000.

Mr. Hall addressed each Line Item amendment. He expressed concern that in five years the School budget has increased from $17 million for 4,002 students to $20 million for 3,587 students and from 438 employees to 418 employees. There are less teachers and less students, but more money budgeted.

After a lengthy discussion, Mr. Frederick Waldman moved the previous question and it was so voted unanimously.

Mrs. Waldstein's motion to amend was presented, but it failed to pass by voice vote.

Mr. Hall's motion to amend was presented, but it failed to pass by voice vote.

At 11:33 P.M. Mr. Lee B. Manning moved that the meeting stand adjourned until Tuesday, May 29, 1990 at 7:30 P.M. at the Newman Middle School. Mrs. Sheila Pransky advised Town Meeting of an important meeting scheduled for that night regarding the Hillside School.

A motion to amend was offered by Mr. Daniel P. Matthews to adjourn the meeting to Wednesday, May 30, 1990.

A motion to amend was offered by Mr. Frederick Waldman to adjourn the meeting to Thursday, May 24, 1990. Mr. Richard S. Creem advised Town Meeting of an important meeting scheduled for that night between the Town and the MBTA.

A motion to amend was offered by Mrs. Sheila Pulver to adjourn the meeting to Monday, May 28, 1990.

A motion to amend was offered by Mr. George Tarallo to adjourn the meeting to Wednesday, May 30, 1990 and Thursday, May 31, 1990.

A motion to move the previous question was offered by Mr. Donald F. Russell. The motion was presented and carried unanimously by voice vote.

Mr. Waldman's motion to amend to adjourn to Thursday, May 24, 1990 was presented, but it failed to pass by voice vote.

Mrs. Pulver's motion to amend to adjourn to Monday, May 28, 1990 was presented, but it failed to pass by voice vote.

Mr. Manning's motion to adjourn to Tuesday, May 29, 1990 was presented, but it failed to pass by voice vote.

Mr. Matthew's motion to amend to adjourn to Wednesday, May 30, 1990 was presented and carried by voice vote.

Mr. Tarallo's motion to amend to adjourn to Wednesday, May 30, 1990 and Thursday, May 31, 1990 was presented, but it failed to pass by voice vote.

VOTED: That the meeting stand adjourned until Wednesday, May 30, 1990 at 7:30 P.M. at the Newman Middle School.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

May 30, 1990

Pursuant to adjournment of the Annual Town Meeting held May 23, 1990, the Inhabitants of the town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 30, 1990, at 7:30 P.M.

Checklists were used and 269 voters were checked on the list as being present, including 233 Town Meeting Members.

Mr. Paul Gardner of the First Church of Christ Scientist gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Discussion under Article 36 (Operating Budget) commenced with the Moderator advising that the Finance Committee would be amending several line items under the Police Department and the Council on Aging.

LINE ITEM NUMBER & NAME	PRESENT AMOUNT	PROPOSED AMENDMENT	FUNDS TO BE TRANSFERRED OUT	TRANSFER TO LINE ITEM	FUNDS TO BE TRANSFERRED IN	TRANSFERRED FROM LINE ITEM	REASON FOR TRANSFER
SELECTMEN							
#12 Street Lighting	$350,000	$270,000	$80,000	#51 Reserve Fund			Use Sodium Lamps
SELECTMEN-TOTAL	$781,241	$701,241					
PERSONNEL							
#26 Salaries	$66,821	$65,016	$1,805	#51 Reserve Fund			Level Funding
#27 Purchase of Services	$10,685	$5,000	$5,685	#51 Reserve Fund			Cut Advertising
PERSONNEL-TOTAL	$80,081	$72,591					
SCHOOLS							
#58 Salaries	$16,112,000	$15,622,264	$489,736	#51 Reserve Fund			Cut Adm. Salaries
#59 Administration	$116,835	$112,785	$4,050	#51 Reserve Fund			Level Funding
#63 Transportation	$406,485	$588,485			$182,000	#51 Reserve Fund	Restore School Bus
SCHOOLS-TOTAL	$19,949,121	$19,637,335					
POLICE							
#73 Salaries-Regular	$1,855,869	$1,903,291			$47,422	#51 Reserve Fund	Add Policemen
#82 Operating Expenses	$154,052	$172,052			$18,000	#51 Reserve Fund	Override Request
POLICE-TOTAL	$2,474,728	$2,540,150					
FIRE							
#88 Salaries-Regular	$2,215,893	$2,251,219			$35,326	#51 Reserve Fund	Add Firemen
#92 Capital Outlay	$20,518	$22,508			$1,990	#51 Reserve Fund	Override Request
#94 Purchase of Services	$87,363	$90,263			$2,900	#51 Reserve Fund	Override Request
FIRE-TOTAL	$3,031,819	$3,072,035					
YOUTH COMMISSION							
#148 Salaries	$70,702	$0	$70,702	#51 Reserve Fund			Redundant Services
#149 Expenses	$270	$0	$270	#51 Reserve Fund			Redundant Services
YOUTH COMMISSION-TOTAL	$70,972	$0					
COUNCIL ON AGING							
#179 Community Center	$0	$2,600			$2,600	#51 Reserve Fund	Level Funding
COUNCIL ON AGING-TOTAL	$67,051	$69,651					
LIBRARY							
#161 Salaries	$279,854	$509,054			$229,200	#51 Reserve Fund	Return Basic Serv.
#162 Purchase of Services	$51,800	$75,550			$23,750	#51 Reserve Fund	Return Basic Serv.
#163 Books & Periodicals	$0	$103,000			$103,000	#51 Reserve Fund	Return Basic Serv.
#165 Expenses	$13,700	$19,760			$6,060	#51 Reserve Fund	Return Basic Serv.
LIBRARY-TOTAL	$345,354	$707,364					
			($652,248)		($652,248)		

A motion to amend the following line items was offered by Mr. Paul Theodore Owens:

Line Item 073	changed from	$1,855,869.	to	$1,888,318.
Line Item 074	changed from	$306,330.	to	$293,660.
Line Item 076	changed from	$83,477.	to	$81,477.
Line Item 082	changed from	$154,052.	to	$153,202.
Line Item 150	changed from	$56,916.	to	$58,450.
Line Item 151	changed from	$10,135.	to	$8,601.
Line Item 051	changed from	$704,595.	to	$687,666.

Mr. James C. Brierley, Jr., Chairman, addressed this amendment on behalf of the Finance Committee. He explained that the amendments to the Police line items provides funding for the cost of living adjustments under the Police union contract. The Police are entering the second year of a two year contract. The Council on Aging amendments are reallocating existing funds.

Mr. Owen's motion to amend was presented and carried by voice vote.

A motion to amend the following line items was offered by Mr. Lee B. Manning:

Line Item 058	changed from	$16,112,000.	to	$15,912,031.
Line Item 161	changed from	$279,854.	to	$427,000.
Line Item 162	changed from	$51,800.	to	$62,354.
Line Item 163	changed from	$0.	to	$40,000.
Line Item 165	changed from	$13,700.	to	$16,000.

Mr. Manning explained that his amendment would reduce the Education Salaries by 1% and increase hours of operation in the Library to 46 hours per week.

Mr. John E. Gamel, Chairman, School Committee, expressed concern that the School budget has already been reduced by $1.5 million.

In response to Mrs. Doris O. Waldstein, Mr. John W. Lebourveau, Chairman of the Library Trustees, advised that the Library budget would have to be within 10% of last year's budget in order to retain membership in the Minuteman Library network.

In response to Mrs. Diane S. Webber's inquiry, Mrs. Elizabeth L. Rich, Library Director, explained that the only other town known to her that is facing severe budgetary reductions is Holyoke. She is not aware of any towns in the Minuteman Library network facing such reductions.

In response to Mr. Gerald R. Browne's inquiry regarding 10% raises, Mr. John E. Gamel, Chairman, School Committee, explained that salary negotiations with the teachers are pending and that there is 5% amounts allowable for central administration and unorganized employees. In response to Mr. Howard B. Bacon, he advised that the total amount set aside for increases in school cost of living adjustments is approximately $700,000.

Mr. Russell S. Broad, Jr. supported Mr. Manning's amendment to add more money to the Library. However, he advised that the time has come for tax spenders to get their heads out of the sand. With four years of deficit spending, a 5% raise is unacceptable this year.

Mrs. Claire Kroll Fusaro, School Committee member, advised that there is no guarantee that the proposed $200,000. cut would come from the Education Salaries line item. Town Meeting can only amend the bottom line of the School Budget. She reiterated that the School Committee has certain figures on the negotiating table with the teachers which they are obligated to honor.

After a brief discussion, Mr. Richard L. Malconian moved the previous question on Mr. Manning's motion to amend. The motion was presented and carried by voice vote.

Mr. Manning's motion to amend was presented, but it failed to pass by voice vote.

Under Line Item No. 089, a motion to amend was offered by Mrs. Sarah Ann Toran to reduce the Fire Salaries - Overtime by $200,000. and to add the said sum to Line Item No. 088 Fire Salaries - Regular.

Mrs. Toran noted that she was concerned with the loss of firemen. Mrs. Marcia M. Carleton, Chairman, explained that the Board of Selectmen must continue with the existing firefighters' contract. She also noted that the Legislature has reinstituted binding arbitration which may cause additional problems in negotiating union contracts.

Fire Chief Robert DiPoli advised that while he is in favor of saving jobs, overtime funds are needed to cover staff reductions. He further explained that overtime costs have decreased since 1985 and that 50% of those costs cover vacations.

Mrs. Sheila G. Pransky questioned the cost of restoring three to five firefighters and how real is the money in the Reserve Fund. In response, Fire Chief DiPoli noted that it cost $28,000. per position. Mr. James C. Brierley, Jr., Chairman, Finance Committee, advised that approximately $300,000. is set aside yearly in the Reserve Fund as a prudent form of fiscal management. This money is needed to provide for unexpected contingencies such as snow emergency or legal fees. The remaining $300,000. to $400,000. will be available for any cost of living adjustments Town Meeting determines is appropriate and unemployment compensation costs.

In response to Mr. William M. Powers, Mr. Brierley concurred that a Special Town Meeting could be called after July 1, 1990 if, in fact, the $1.2 million in State Aid is received. Those funds could then be allocated to fund the various departments whose budgets were substantially reduced. As far as a percentage for cost of living adjustment, Mr. Brierley indicated that there are many options. However, if you want to retain all employees, there can be no raises.

Mrs. Marcia M. Carleton, Chairman, advised that the Board of Selectmen have tentatively planned a Special Town Meeting in the Fall. She also noted that the Board must go back to the bargaining table and will do the best they can, but they also have to please the bargaining unit. She cautioned that each community may receive the withheld State Aid by the end of June or the first of July. However, the State could use that money as part of the Fiscal Year 1992 proposed State Aid.

A motion to move the previous question on Mrs. Toran's motion to amend was offered by Mr. James Hugh Powers. Mr. Powers motion was presented and carried by voice vote.

Mrs. Toran's motion to amend was presented, but it failed to pass by voice vote.

The Moderator announced that he has three motions to amend Line Item No. 51 Reserve Fund and asked for any other motions seeking to transfer funds from the Reserve Fund. The following motions were offered:

A motion to amend the following line items was offered by Mr. Eric W. Fleming:

Line Item 073	changed from	$1,888,318.	to	$1,934,485.
Line Item 076	changed from	$81,477.	to	$81,977.
Line Item 082	changed from	$153,202.	to	$155,202.
Line Item 088	changed from	$2,215,893.	to	$2,262,060.
Line Item 094	changed from	$87,363.	to	87,863.
Line Item 095	changed from	$131,945.	to	$133,945.
Line Item 114	changed from	$515,273.	to	$529,427.
Line Item 116	changed from	$1,202,755.	to	$1,209,755.
Line Item 117	changed from	$396,912.	to	$405,332.
Line Item 120	changed from	$388,246.	to	$396,878.
Line Item 125	changed from	$378,798.	to	$388,258.
Line Item 126	changed from	$266,079.	to	$267,079.
Line Item 161	changed from	$279,854.	to	$311,020.
Line Item 162	changed from	$51,800.	to	$53,800.
Line Item 163	changed from	$0.	to	$15,000.
Line Item 165	changed from	$13,700.	to	$14,200.
Line Item 051	changed from	$687,666.	to	$493,000.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mr. Lee B. Manning to reduce the Reserve Fund by $114,152. and to transfer said sum to Line Item No. 088 Fire Salaries - Regular.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mr. Lee B. Manning to reduce the Reserve Fund by $121,120. and to transfer said sum to the following line items under the Police budget: Line Item 073 - $108,662., Line Item 074 - $7,908., and Line Item 082 - $4,550.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mrs. Betsy M. Tedoldi that $15,000. be transferred from the Reserve Fund to Line Item 150 to partially restore funds to the Council on Aging.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mr. John J. Ryan to reduce the Reserve Fund by $40,000. and to transfer said sum to the following line items: Line Item 128 - $11,345., Line Item 129 - $750., and Line Item 130 - $27,905. to partially restore the Minibus service until the Fall Special Town Meeting.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mrs. Sheila G. Pransky that $56,000. be transferred from the Reserve Fund to Line Item 088 Fire Salaries - Regular to restore two firefighters.

Under Line Item 051 Reserve Fund, a motion to amend was offered by Mr. John W. Lebourveau that $139,000. be transferred from the Reserve Fund to Line Item 161 Library - Salaries to restore the payroll of six employees.

A motion to not transfer any monies from Line Item 051 Reserve Fund was offered by Mr. Gerald R. Browne.

After a brief discussion, Mr. John F. Connell moved the previous question on Mr. Browne's motion and all motions to amend. Mr. Connell's motion was presented and carried unanimously by voice vote.

Mr. Browne's motion was presented and carried by voice vote.

A motion to move the previous question on the main motion under Article 36 (Operating Budget) was offered by Mr. Thomas O. Bean. The motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, and the Moderator was still in doubt. The motion was again presented and carried by a count of hands. The hand count was Yes 167 - No 50.

ACTION: The main motion, as amended, was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was Yes 188 - No 30.

The Moderator announced that he has several additional motions under Article 36 that will be presented at this time since he has not declared the Article disposed of.

The following motion to amend was offered by Mr. Paul Theodore Owens:

Under Line Item 113, that $38,000. be transferred from the Stabilization Fund to partially fund Equipment Replacement in the Department of Public Works.

Under Line Item 73, that $24,000. be transferred from the Parking Meter Fund to partially fund Police salaries.

Under Line Item 115, that $36,000. be transferred from the Parking Meter Fund to partially fund Salaries in the Department of Public Works.

Under Line Item 145, that $10,000. be transferred from the Parking Meter Fund to partially fund Salaries in the Veterans' Services Department.

Under Line Item 51, that $95,000. be transferred from the Overlay Surplus Fund to partially fund the Reserve Fund.

Mr. Owen's motion to amend was presented and carried unanimously by voice vote.

Under Line Item 58 Education Salaries, a motion to amend was offered by Mr. Daniel P. Matthews that $350,000. be transferred from the Education Salaries line item to Line Item 51 Reserve Fund.

Mr. Matthews suggested that Town Meeting precipitously adopted the budget. He expressed concern that Town Meeting Members did not have the patience to go through the budget line by line. Mr. Matthews motion would require that unorganized groups in the School Department be treated in a similar manner as various departments in General Government. He also expressed concern that there is no money for capital improvements in the School budget. This amendment would compel the School Committee to do some hard bargaining. If there was money left over, perhaps they could restore some buses or fund future capital improvements. He suggested that public education needs to be candid, needs to meet the needs of the students, and must best use the resources available.

Mr. John E. Gamel, Chairman, School Committee, expressed concern that Mr. Matthews was not available during the months spent working on the budget process. He indicated that the School Committee hears Town Meeting's message.

Mr. Matthews' motion to amend was presented, but it failed to pass by voice vote. Mr. Matthews rose to request a count of hands and was joined by more than seven (7) Town Meeting Members. The motion was again presented, but it failed to pass by a count of hands. The hand count was Yes 88 - No 94.

The following motion to amend was offered by Mr. James Hugh Powers:

That the main motion offered by the Finance Committee under Article 36 of the Warrant for the 1990 Annual Town Meeting, as heretofore amended, appropriating funds for the operations of Town officers, departments, boards, committees and commissions, for the payment of principal and interest due on the debt of the Town, and for other municipal purposes, be amended by inserting at the head of such motion the following emergency preamble:

> Preamble. - This vote is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and convenience of the Town, under the provisions of Section 13 of the Needham Special home Rule Charter Act (Acts of 1971, c. 403, as amended).

Mr. James Hugh Powers explained that the Charter provides for a referendum on Town Meeting action within 20 days of the dissolution of the Annual Town Meeting with certain exceptions. He indicated that Town Meeting should not risk having a referendum on this budget. The voters have voted on this subject. He urged adoption of the preamble.

Mr. Powers' motion was presented and carried by voice vote. (See further vote below.*)

The following resolution under Article 36 was offered by Mr. James Hugh Powers:

That it is the sense of this Annual Town Meeting that the Board of Selectmen give consideration to presenting to the voters of the Town in late September or early October of the current year one or more "Proposition 2½" override questions for the funding of the public schools, the public library, and public safety services, and to offset any estimated loss of State aid resulting from the approval by voters of the State, at the 1990 State biennial election, of the initiative petition proposed by Citizens for Limited Taxation (See house, No. 4005 of 1990).

Mr. Powers advised that Town Meeting has adopted this budget because it had to. It is not a proper budget. He indicated that we face uncertain times. If the petition of the Citizens for Limited Taxation passes in November, it would cut money out of the State budget. The State, in turn, could reduce the State aid to cities and towns. He indicated that Town Meeting should advise the Board of Selectmen to call for an override election in the Fall if necessary.

After a brief discussion, Mr. Richard L. Malconian moved the previous question on Mr. Powers' resolution. The motion was presented and carried by voice vote.

Mr. Powers' resolution was presented, but the Moderator was in doubt as to the voice vote. The resolution was again presented and carried by voice vote.

* The Moderator advised that Mr. Powers' motion to adopt the preamble at the beginning of Article 36 required a two-thirds vote, and since the original vote was not unanimous, the vote must be taken again. The motion to adopt the preamble was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and carried by a count of hands. The hand count was yes 181 - No 7.

The following resolution was offered by Mr. William M. Powers:

In anticipation of additional revenue to the Town - including certified free cash and payment of State Aid previously withheld by the State - it is the will of this Town Meeting that a Special Town Meeting should be called during the fall, at an appropriate time as determined by the Board of Selectmen; and that a sum of $400,000. for library services be included in the Finance Committee recommendations - followed by supplemental appropriations for police, fire and education.

Mrs. Diane P. Matthews expressed concern that this resolution limited the disbursement of funds to several departments and suggested that the Minibus and cost of living adjustments be included.

Mr. William M. Powers' resolution was presented, but the Moderator was in doubt as to the voice vote. The resolution was again presented and carried by voice vote.

VOTED: Preamble. - This vote is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and convenience of the Town, under the provisions of Section 13 of the Needham Special Home Rule Charter Act (Acts of 1971, c. 403, as amended).

That the Town raise and appropriate for the necessary Town charges and expenses as follows:

BOARD OF SELECTMEN		
1.	Salaries	$174,091.
2.	Telephone Charges	0.
3.	Expenses	159,650.
4.	Town Meetings	0.
5.	Capital Outlay	3,000.
6.	Travel Out of State	0.
12.	Street Lighting	350,000.
14.	Garbage	94,500.
TOWN CLERK:		
15.	Salaries	$69,030.
16.	Expenses	4,000.
17.	Travel Out of State	55.
BOARD OF REGISTRARS:		
19.	Salaries	43,249.
20.	Expenses	20,230.
21.	Tellers & Canvassers	17,250.
22.	Capital Outlay	0.
LEGAL:		
23.	Salaries	41,148.
24.	Expenses	4,630.
25.	Special Fees	88,920.
PERSONNEL:		
26.	Salaries	66,821.
27.	Purchase of Services	10,685.
28.	Expenses	2,575.
ASSESSORS:		
29.	Salaries	174,378.
30.	Expenses	8,950.
31.	Revaluation	35,423.
32.	Capital Outlay	1,000.
FINANCE DEPARTMENT:		
7.	Insurance General	548,480.
8.	Insurance Group Life A & H	3,154,000.
9.	Worker's Compensation	438,000.
10.	Property & Casualty Self Insurance	12,000.
11.	Uniformed Services Medical Payments	82,000.
13.	Unemployment Compensation	30,000.
33.	Salaries	498,023.
34.	Purchase of Service/Audit	124,150.
35.	Travel Out of State	1,200.
36.	Expenses	410,794.
37.	Capital Outlay	5,650.
44.	Maturing Bonds	1,071,000.
45.	Bond Interest	187,711.
FINANCE COMMITTEE:		
49.	Salaries	11,047.
50.	Expenses	700.
51.	Reserve Fund (Raised by transfer of $95,000. from the Overlay Surplus Fund and the balance of $592,666. from the current tax levy.)	687,666.
CONTRIBUTORY RETIREMENT:		
52.	Salaries	36,588.
53.	Contributions	3,071,562.
54.	Expenses	3,140.
NON-CONTRIBUTORY RETIREMENT:		
56.	Chapter 32 Retirements	222,000.
57.	Past Service Liability	0.
EDUCATION:		
58.	Salaries	16,112,000.
59.	Administration	116,835.
60.	Instruction	720,762.
61.	Other School Services	88,911.
62.	Cafeteria Assistance	0.
63.	Transportation	406,485.
64.	Operation/Maintenance	885,300.
65.	Community Service	82,325.
66.	Fixed Assets	0.
67.	Tuitions	1,082,709.
68.	Travel Out of State	0.
71.	Capital Outlay	0.
MINUTEMAN VOCATIONAL TECH:		
72.	Assessment	453,794.
POLICE:		
73.	Salaries - regular (Raised by transfer of $24,000. from the Parking Meter Fund and the balance of $1,864,318. from the current tax levy.)	1,888,318.
74.	Salaries - overtime	293,660.
75.	Education and Career Incentive	0.
76.	In-service Training	0.
76.	Purchase of Services	81,477.
77.	Capital Outlay	75,000.
78.	Travel Out of State	0.
79.	Auto Maintenance	0.

POLICE (Continued):

80.	Building Maintenance	0.
81.	Communications	0.
82.	Operating Expenses	153,202.
84.	Uniforms	0.
85.	Crime Check Committee	0.
86.	Animal Control	0.
87.	F.B.I. Academy	0.

FIRE:

88.	Salaries - regular	2,215,893.
89.	Salaries - overtime	445,000.
90.	Education and Career Incentive	25,000.
91.	In-service Training	97,000.
92.	Capital Outlay	20,518.
93.	Travel Out of State	1,750.
94.	Purchase of Services	87,363.
95.	Equipment and Supplies	131,945.
96.	Salaries O/T Alarm Div.	7,350.

CIVIL DEFENSE:

98.	Salaries	2,000.
99.	Expenses	15,147.
100.	Capital Outlay	0.

BUILDING:

101.	Salaries	119,713.
102.	Expenses	4,205.
103.	Capital Outlay	0.

SEALER OF WEIGHTS & MEASURES:

104.	Salaries	6,941.
105.	Expenses	1,558.

DEPARTMENT OF PUBLIC WORKS:

Administration:

106.	Salaries	156,684.
107.	Expenses	7,460.
108.	Travel Out of State	0.

Engineering:

109.	Salaries	232,530.
110.	Expenses	5,085.

Garage & Equipment:

111.	Salaries	170,447.
112.	Expenses	102,885.
113.	Equipment Replacement (Raised by transfer of $38,000. from the Stabilization Fund and the balance of $245,919. from the current tax levy.)	283,919.

Highway:

114.	Salaries	515,273.
115.	Salaries - Parking Meter Fund (Raised by transfer of $36,000. from the Parking Meter Fund.)	36,000.
116.	Expenses	1,202,755.

Park Division:

117.	Salaries	396,912.
118.	Expenses	106,730.
119.	Capital Outlay	0.

Sewer:

120.	Salaries	388,246.
121.	Expenses	111,400.
122.	House Connections	0.
180.	MWRA	1,907,135.

Snow & Emergency:

123.	Salaries - Overtime	60,000
124.	Expenses	90,000

Water:

125.	Salaries	378,798.
126.	Expenses	266,079.
127.	Main Extensions/New Services	20,000.
181.	MWRA	52,876.

MINI-BUS:

128.	Salaries	0.
129.	Expenses	0.
130.	Bus Contract	0.

BOARD OF HEALTH:

135.	Salaries	181,349.
136.	Capital Outlay	0.
137.	Travel Out of State	500.
138.	Expenses	10,000.
139.	Purchase of Services	86,504.
141.	Mental Health	0.
142.	Mentally Retarded Charles River Workshop	0.

VETERANS' SERVICES:

145.	Salaries (Raised by transfer of $10,000. from the Parking Meter Fund and the balance of $27,214. from the current tax levy.)	37,214.
146.	Expenses and Transportation	1,000..
147.	Benefits	41,000.
184.	Expenses, Parking	2,675.

YOUTH COMMISSION:

148.	Salaries	70,702.
149.	Expenses	270.
143.	Capital Outlay	0.

COUNCIL ON AGING:

150.	Salaries	58,450.
151.	Expenses	8,601.
178.	Capital Outlay	0.
179.	Community Center	0.

PLANNING BOARD:

152.	Salaries	65,736.
153.	Expenses	4,900.
154.	Capital Outlay	0.
185.	Travel Out of State	0.

CONSERVATION COMMISSION:

155.	Salaries	5,775.
156.	Expenses	625.
157.	Purchase of Services	4,023.

BOARD OF APPEALS:

158.	Salaries	4,869.
159.	Expenses	3,100.
144.	Capital Outlay	0.

HISTORICAL COMMISSION:

160.	Expenses	555.

LIBRARY:

161.	Salaries	279,854.
162.	Purchase of Services	51,800.
163.	Books & Periodicals	0.
164.	Building Maintenance	0.
165.	Expenses	13,700.
166.	Capital Outlay	0.
167.	Travel Out of State	0.

PARK AND RECREATION:

172.	Salaries	229,842.
173.	Expenses	62,135.
174.	Travel Out of State	500.
018.	Capital Outlay	0.

MEMORIAL PARK:

175.	Expenses	650.
176.	Capital Outlay	0.

Be it resolved: That it is the sense of this Annual Town Meeting that the Board of Selectmen give consideration to presenting to the voters of the Town in late September or early October of the current year one or more "Proposition 2½" override questions for the funding of the public schools, the public library, and public safety services, and to offset any estimated loss of state aid resulting from the approval by voters of the state, at the 1990 state biennial election, of the initiative petition proposed by Citizens for Limited Taxation (See House, No. 4005 of 1990).

Be it resolved: In anticipation of additional revenue to the Town - including certified free cash and payment of State Aid previously withheld by the State - it is the will of this town Meeting that a Special Town Meeting should be called during the fall, at an appropriate time as determined by the Board of Selectmen; and that a sum of $400,000. for library services be included in the Finance Committee recommendations - followed by supplemental appropriations for police, fire and education.

At 10:55 P.M., Mr. Lee B. Manning moved that the meeting stand adjourned to Wednesday, June 6, 1990, at 7:30 P.M. at the Newman Middle School and it was unanimously voted.

* * * * *

TOWN CLERK'S RECORDS
RECOUNT OF VOTES CAST FOR THE GENERAL OVERRIDE BALLOT QUESTION

June 2, 1990

A petition having been filed for a recount of the votes cast for the General Override Ballot Question at the Special Town Election held on May 15, 1990, the recount was conducted under the provisions of Chapter 54, Section 135 of the General Laws, as amended. A canvass of all votes cast for that question was held in the Cafeteria at Newman Middle School on Saturday, June 2, 1990 at 9:00 o'clock A.M. Mrs. Deborah L. Roberts, President, League of Women Voters, Needham, and Mr. Robert D. Hall, Jr., representatives in favor of and opposed to the ballot question, respectively, were represented by counsel and by observers at each table. The recount was held under the supervision of the Board of Registrars, with the following results:

#4	YES	4,905
#5	NO	4,925
	Blanks	84
TOTAL BALLOTS CAST		9,914

The canvass was completed at 1:45 o'clock P.M., June 2, 1990, and the ballots were repacked in containers which were sealed and placed in the custody of the Town Clerk.

Theodora K. Eaton, CMC,
Town Clerk
Clerk of the Board of Registrars

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ADJOURNED ANNUAL TOWN MEETING

June 6, 1990

Pursuant to adjournment of the Annual Town Meeting held May 30, 1990, the Inhabitants of the town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, June 6, 1990, at 7:30 P.M.

Checklists were used and 242 voters were checked on the list as being present, including 208 Town Meeting Members.

Rev. Paul C. Clayton, Pastor, Congregational Church of Needham, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

A motion to reconsider Article 36 (Operating Budget) was offered by Mr. Thomas M. Harkins. He explained that his motion to reconsider would allow him to request a transfer of $35,000. from Line Item 051 Reserve Fund to Line Item 161 Library Salaries. This $35,000. would allow the Library to retain six people until the end of September, at which time state Aid and certified free cash might provide the Town with additional funds. He urged support of the motion to reconsider on behalf of the Library Trustees.

Mr. Daniel P. Matthews urged Town Meeting Members to have the patience to go through the budget line by line. He suggested that modest sums of money can be transferred from the Reserve Fund. Mr. John D. Fountain expressed concern with taking money which may be needed for unemployment compensation. Mr. Russell S. Broad, Jr. supported the motion to reconsider and provide funds for the Library. Mrs. Diane S. Webber opposed the motion to reconsider. She stated that the Town has had an override election, an override recount, and lengthy budgetary discussions.

Mr. Carl Valente, Executive Secretary/Finance Director, advised Town Meeting that the law requires all money to remain in the General Fund until certified by the State in late August or early September. He also noted that the Town has a surplus of $185,000. on one hand and a deficit of $500,000. in Motor Vehicle Excise Tax on the other hand.

Mrs. Betsy M. Tedoldi requested that funds for the Council on Aging and the Minibus be included in Mr. William M. Powers' resolution under Article 36 if the motion to reconsider is approved.

Mr. James C. Brierley, Jr., Chairman, advised that the Finance Committee would recommend that funds not be transferred from the Reserve Fund to the Library. If Town Meeting wants to transfer funds from the Reserve Fund, the Finance Committee would first recommend transfer to the Fire and Police Departments.

A motion to move the previous question on the motion to reconsider was offered by Mr. Richard L. Malconian. The motion was presented and carried by voice vote.

Mr. Harkins' motion to reconsider was presented, but failed to pass by voice vote.

ARTICLE 31

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board.

Assessor, Chairman	$ 1,800.
Assessor, Others	1,500.
Selectman, Chairman	1,800.
Selectmen, Others	1,500.
Town Clerk	40,000. ;

or take any other action relative thereto.

MOVED: That the Town fix the compensation of the following elect ed officers of the Town as of July 1, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board.

Assessor, Chairman	$ 1,800.
Assessor, Others	1,500.
Selectman, Chairman	1,800.
Selectmen, Others	1,500.
Town Clerk	40,000.

A motion to amend was offered by Mr. James Hugh Powers as follows: by deleting the colon at the end of the first sentence and inserting the words "and subject to the longevity provisions of paragraph (k) Section 12 of the Consolidated Personnel By-Law:"

A motion to amend was offered by Mr. Robert D. Hall, Jr. to amend the Assessor, Chairman's salary to $1,000., the Assessor, Others to $500., the Selectman, Chairman, to $1,000., and the Selectmen, Others to $500.

Mr. Charles C. Wyckoff, member, addressed this proposal on behalf of the Personnel Board. He explained that the Personnel Board originally planned to amend this salary of the Town Clerk to include a 5% cost of living adjustment, but in light of Town Meeting action, decided it was not prudent at this time. He further stated that the Personnel Board would oppose Mr. Hall's motion to amend, but would not oppose Mr. Powers' motion to amend.

Mr. Powers advised that his motion to amend was reinstating wording that had previously been in the Elected Officials Salaries article for many years. Mr. Hall indicated that under his motion to amend the salary reductions for the Assessors and Selectmen would be a good will gesture.

In response to an inquiry from Mrs. Jane A. Howard, the Moderator indicated that Town Counsel advised that a cost of living increase contingent on availability of funds could not be included in this article. However, if there is a Special Town Meeting in the Fall, a two-thirds vote would be required to increase the Town Clerk's salary.

Mr. James C. Brierley, Jr., Chairman, advised that the Finance Committee would support the existing article as printed in the Warrant.

Mr. Hall's motion to amend was presented, but it failed to pass by voice vote.

Mr. Powers' motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town fix the compensation of the following elected officers of the Town as of July 1, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board, and subject to the longevity provisions of Paragraph (K) section 12 of the Consolidated Personnel By-Law.

Assessor, Chairman	$ 1,800.
Assessor, Others	1,500.
Selectman, Chairman	1,800.
Selectmen, Others	1,500.
Town Clerk	40,000.

At 8:30 P.M. Mrs. Marcia M. Carleton moved that the Annual Town Meeting stand adjourned until such time that the Special Town Meeting called for May 21, 1990 and subsequently postponed to a time certain specifically after the disposition of Article 36 (Operating Budget) and Article 31 is either adjourned or dissolved. It was so voted unanimously.

* * * * *

The Moderator called the Special Town Meeting to order, declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 1

To see if the Town will vote to amend and supersede certain parts of the 1990 Operating Budget, adopted under Article 15 at the 1989 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended; or take any other action relative thereto.

MOVED: That the Town vote to appropriate a sum of $105,000. for the purpose of supplementing some of the line item amounts appropriated under budget Article 15 of the 1989 Annual Town Meeting as amended, which are found insufficient to meet the normal costs incurred for the respective services identified with said line items as follows:

Line Item	Appropriation	Projected Deficit
002	Telephone Charges	$5,000.
004	Town Meeting	5,000.
008	Insurance, Group Life A&H	37,000.
106	DPW Admin. Salaries	500.
114	DPW Highway Salary	14,000.
121	Sewer Expense	20,000.
124	Snow & Emergency	23,500.

And that the above amounts be raised by transfer from the surplus reserves in the line items shown below:

Line Item	Appropriation	Projected Surplus
009	Workers Compensation	$25,000.
012	Street Lighting	7,000.
033	Finance Dept. Salaries	15,000.
111	DPW Garage Salary	17,000.
117	DPW Parks Salary	16,000.
120	DPW Sewer Salary	10,000.
125	Water Salary	15,000.

ACTION: The main motion was presented and carried unanimously by voice vote.

At this time the Moderator announced that he had previously stated that the Special Town Meeting Articles 2, 3, and 4 would be put under the Omnibus Article along with the Personnel Board articles. He also noted that Mr. Patrick J. Hyland, Chairman, and Mr. Paul H. Attridge, member, Town Government Review Committee, have conflicting schedules and would be unable to address their proposals next week.

The Moderator responded in the affirmative to Dr. Vincent C. Nuccio's inquiry as to whether the Town Government Review Committee articles could be referred back to the Committee to be reported to the next Town Meeting or sooner.

In response to an inquiry from Mr. Jon D. Schneider, the Moderator advised that the Personnel articles have been available for the past two weeks. If these articles were placed as amendments under Special Town Meeting Article 2, there could be criticism that the amendments were not publicly notified in the Warrant for the Special Town Meeting.

Mr. James Hugh Powers expressed concern that the Annual Town Meeting contains no article with the subject in it relating to a Town Administrator or the transfer of Personnel powers to anybody or changing procedural rules as opposed to taking the personnel articles under the Omnibus Article. Mr. Powers directed the following inquiry to Town Counsel: would we be acting illegally if Town Meeting tried to vote on the Three Town Government Review Committee articles under the warrant of the Annual Town Meeting as opposed to taking up the resolutions in the manner the Moderator had provided and then proceeding back into the Special Town Meeting to dispose of the three articles of the Personnel Board. The Moderator advised that Town Meeting is not going to vote on the three Town Government Review Committee articles in the Annual Town Meeting. As a matter of procedure, these articles are going to be discussed only under the Omnibus Article of the Annual Town Meeting.

Under Mrs. Marcia M. Carleton's motion, unanimous consent was given to adjourn the Special Town Meeting.

The Moderator called the Annual Town Meeting to order. Under Mr. Patrick J. Hyland's motion, unanimous consent was given to advance Article 45 (Omnibus Article).

Mr. David S. Tobin, Town Counsel, addressed the three Personnel Board articles including the grievance article. He advised that the Board of Selectmen had requested his opinion on the legality of this motion. He, in turn, contacted Labor Attorney, David Grunenbaum, who stated that the proposed grievance article was a violation of M.G.L. Chapter 150E. Mr. Tobin, therefore, advised against placing this article in the Warrant. The other two personnel articles are resolution which in past practice are not printed in the Warrant and come under the Omnibus Article. Thus, he recommended that the Board of Selectmen not include these resolutions.

The Moderator advised that there is nothing that prevents a resolution being placed in the Warrant as an article. Furthermore, the Board of Selectmen have the statutory right to negotiate, but the Personnel By-Law can remain in effect and the Personnel Board can handle the grievance procedure.

Mr. Tobin further reiterated that M.G.L. Chapter 150E states that the Board of Selectmen are the bargaining agents. Whatever they bargain is the contract and this amendment violated M.G.L. Chapter 150E.

Mrs. Joan E. Adams and Mr. Michael A. Grandinetti were sworn in as tellers by the Moderator.

Mr. Patrick J. Hyland, Chairman, addressed the Town Government Review Committee's proposals under Article 2,3, and 4 of the Special Town Meeting. He summarized the process as follows: The Committee hired the professional consulting firm of Boyer, Bennett & Shaw, Inc. The consulting firm interviewed Town officials and employees and submitted a preliminary report. The Committee, in turn, interviewed various boards, officials, employees, as well as several officials in the Towns of Duxbury and Plymouth. The Committee then identified the major issues and divided those issues into two basic categories - (a) the basic management structure of Town government and (b) consolidation of departments and all other issues. The Committee then reached a number of specific conclusions. First, the Town Meeting form of government is a sound, viable structure. The overall structure is sound. Second, Needham has a long and involved reputation of citizen participation. There is some fragmentation of general government, specifically in financial and personnel areas. There is the absence of a budget process with insufficient authority to develop the budget in the executive branch. There is no linkage between budget preparation and revenue projection. The Board of Selectmen has no role in the budget process, but is responsible for setting revenues and calling for an override election if necessary. The Committee felt that the Board of Selectmen should develop the budget and present that budget to the legislative branch. We have a Finance Director that assists in the development of the budget. We feel that the executive branch should have more authority at the beginning of the budget process. The Town also needs to present a capital improvement budget and, at present, that process does not exist at all. Third, the Committee found that there is a lack of sufficient authority to administer personnel affairs. The Finance Committee and the Personnel Board are appointed by the Moderator and advisory to Town Meeting. Currently the Personnel Department is supervised by the Personnel Board. Other departments are under the executive branch. There is substantial disagreement over this matter.

Mr. Hyland pointed out the highlights of the three Town Government Review Committee articles as follows:

Article 2 establishes the position of Town Administrator; places the Finance Director and Personnel Director under the supervision of the Town Administrator; and assigns Town Administrator responsibility for management of Town financial and personnel affairs, including preparation of a complete operating budget, preparation of a five-year capital improvement budget, administration of Town finances and maintenance of financial information, and administration of Town personnel by-laws and related personnel procedures.

Article 3 amends the Consolidated Personnel By-Law by adding the necessary references to the position of Town Administrator; makes the Personnel Director an appointee of the Board of Selectmen; defines the personnel administration duties of the Town Administrator, revises and defines the role of the Personnel Board; and eliminates the position of Executive Secretary within the classification and pay plan.

Article 4 establishes a formal review process for collective bargaining agreements negotiated under the jurisdiction of the Board of Selectmen; requires separate Personnel Board and Finance Committee recommendations to Town Meeting with respect to the funding of collective bargaining agreements; requires that Town Meeting be provided with a summary of each agreement, and be informed of the full cost of the contract, and how it is to be funded; and provides for separate Town Meeting votes with respect to the funding of collective bargaining agreements negotiated by Board of Selectmen.

Mr. Hyland advised that the Town Government Review Committee is not recommending a strong Town Administrator. The proposed Town Administrator has no authority to hire and/or fire employees. The Committee's recommendations do not remove the Finance Committee and Personnel Board as advisory boards to Town Meeting. The budget process does not change the role of the Finance Committee. The Committee envisions that all departments would submit their budgets to the Town Administrator and then on to the Board of Selectmen and the Finance Committee. In conclusion, Mr. Hyland stated that his committee has taken our guidance based on two management principles - put the authority and responsibility in the same people and employees should have a clear and direct reporting channel. Management supervisors should get the tools needed to get the job done and the legislative and policymaking branches should be separate from the executive branch. He indicated that these are not radical changes and that the checks and balances in local government will remain. He concluded by suggesting that these articles are worthy of consideration and warrant favorable action.

Mr. Paul H. Attridge, member of the town Government Review Committee, advised that the Committee spent countless hours interviewing various Town officials, boards, and employees. The apparent theme was that the daily personnel decisions must be part of the executive branch in the form of a management team. He noted that there are two other management teams in Town - the School Department and the Glover Memorial Hospital. Both have Personnel Directors as part of the management team. He advised that in the past Mr. Harold W. Noble was both the Personnel Director and the Executive Secretary - a system that worked well for the Town. Upon his death, the system reverted back to separate appointments. He advised that the Personnel Board will retain the present rights and responsibilities of administration of the Consolidated Personnel By-Law, but the Personnel Director belongs in the executive branch. Mr. Attridge indicated that these articles improve central administration. He urged support of the Town Government Review committee's articles and defeat of the Personnel Board articles under the Omnibus Article.

Mrs. Sally B. Davis, Selectman, addressed the Town Government Review Committee's articles on behalf of the Board of Selectmen. She expressed concern with the difficulty the Board of Selectmen had last year in organizing all departments to prepare budget reductions as a result of the loss of over $1 million in State Aid. She advised that we must be a government of law, not of people. Mrs. Davis indicated the need for clarity and accountability. She coined the phrase - what the executive proposed, the legislative dispose - and likened Town Meeting to the U.S. Congress and the Finance Committee or Personnel Board to the Judiciary or Foreign Relations Committee. She advised that the checks and balances are there and urged support of the Town Government Review Committee proposals.

Mr. James C. Brierley, Jr., Chairman, Finance Committee, expressed concern with these proposals. He advised that the Finance Committee is the eyes and ears of Town Meeting appointed by the Moderator. The Finance Committee is here to explain both sides of alternatives, but not to tell you what to do. He questioned the arguments that things are not going to change. He expressed concern that the Finance Committee will continue to have the authority to force departments to come before the Finance Committee with their budgets. He urged the use of caution before giving up too much authority. He noted that he has not heard any recommendation on consolidation of services at reduced costs. If the process isn't broken, why fix it? It isn't supposed to be perfect. It needs hiccups. From a monetary aspect, these changes would only allow the Board of Selectmen to review an additional four to five hundred thousand dollars. Mr. Brierley advised that the finance Committee has given leadership over the past couple of years. He suggested that we stop fooling around with restructuring things and focus on what is critical, such as layoffs, unemployment, Library, etc. He urged Town Meeting to leave the process alone and work on the real problems.

Mr. Gary Uhl, Chairman, Personnel Board, advised that he is probably the newest member of the Town Meeting process. However, he advised that the Personnel Board is unanimous in its opposition to the Town Government Review Committee articles. He further noted that the Board of Selectmen has excluded the Personnel Board from virtually all negotiations in the Department of Public Works, Police and Fire. The Personnel Board still has the responsibility of reporting to Town Meeting. However, under these proposals, the Personnel Board is left powerless. Approval of the Personnel Board grievance article and two resolutions would confirm that Town Meeting wants to keep the checks and balances in tact. The Personnel Board does not feel that the structure is broken. He urged Town Meeting to support the Personnel Board articles.

Mr. John R. McKeon, member and former Chairman, concurred with the Moderator. He suggested that approval of the Town Government Review Committee articles would be giving blank checks - not checks and balances. He advised that there was a concerted effort on the part of the Board of Selectmen to crush the Personnel Board in its functions. He urged support of the Personnel Board grievance article and two resolutions.

Mrs. Deborah L. Roberts, Past President, League of Women Voters, advised that the League conducted a survey back in 1984 and saw the need to strengthen the authority of the Executive Secretary. The League considered a Town Manager form of government at that time. Under consideration tonight is the position of Town Administrator which falls in between the Executive Secretary and the Town Manager in authority. Mrs. Roberts urged support of the Town Government Review Committee articles on behalf of the League. She indicated the need for greater controls in central government which are best placed in the executive branch. Town Meeting would have final control.

At 11:25 P.M. Mr. Arthur J. Tiernan, Jr. moved that the meeting stand adjourned to Monday, June 11, 1990, at 7:30 P.M. at the Newman Middle School. Mr. Paul H. Attridge expressed concern that he and Mr. Hyland will be unavailable to answer questions next week. Mrs. Joan E. Adams and Mr. Stanley R. Tippett suggested that these articles be voted on tonight.

Dr. Vincent C. Nuccio suggested that it would be unwise to make a decision at this hour on how we govern our Town.

A motion to move the previous discussion was offered by Mr. Arthur E. Cox. The motion was presented and carried by voice vote.

At 11:30 P.M. Mr. Tiernan's motion that the meeting stand adjourned to Monday, June 11, 1990, at 7:30 P.M. at the Newman Middle School was presented and carried by voice vote.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

June 11, 1990

Pursuant to adjournment of the Annual Town Meeting held June 6, 1990, the Inhabitants of the town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Monday, June 11, 1990, at 7:30 P.M.

Checklists were used and 235 voters were checked on the list as being present, including 216 Town Meeting Members.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Discussion commenced under the Omnibus Article. The Moderator explained that discussion regarding Articles 2, 3, and 4 of the Special Town Meeting and 1 motion and 2 resolutions of the Personnel Board had been in progress at the conclusion of the Annual Town Meeting on June 6, 1990. At this time the Moderator advised that he would appoint a temporary Moderator so that he could step down and address Town Meeting unless Town Meeting Members wish to elect a temporary Moderator. A motion to elect a temporary Moderator was presented, but it failed to pass by voice vote. The Moderator then appointed Mr. Gilbert W. Cox, Jr. as temporary Moderator. Mr. Gilbert W. Cox, Jr. was sworn in by the Town Clerk.

Mr. Richard P. Melick addressed the Personnel Board and Town Government Review Committee proposals. He advised that he has great respect for the members of the Town Government Review Committee, but he disagrees with their proposals. He further stated that if the Town Government Review Committee articles are passed, the Finance Committee and the Personnel Board will be powerless. There is a conflict between the Board of Selectmen and the Personnel Board which has not been worked out. According to Mr. Melick, it is not a question of who negotiates the contracts, but after the contracts are negotiated, who administers them. He indicated that the Board of Selectmen took over contract negotiations and now wants to take over the grievance procedure. He concluded by urging support for the Personnel Board and the Finance Committee in order to protect the checks and balance of local government.

Mr. H. Phillip Garrity, Jr., Selectman, expressed concern that there are many side issues seeking to thwart the Town Government Review Committee proposals. The debate has been personalized which does a great injustice to the Committee and to the subject itself. Mr. Garrity explained that the preliminary report of the consulting firm of Boyer, Bennett & Shaw, Inc. asked the Committee to look at the recommendations with a view to the future. With respect to the Personnel Board's article and two resolutions under the Omnibus Article, Town Counsel and Labor Counsel have advised the Personnel Board that these articles are in conflict with State statute. He questioned whether passage of these articles would solve the problems of this Town or exacerbate them. The budget printed in the warrant will be that of the Finance Committee. The proposal under Article 2 basically coordinates the budgetary process in order that a comprehensive budget including both expenses and projected revenues be presented to the Finance Committee. The Board of Selectmen set the revenue charges. Both expense and revenue figures are needed in order to balance the budget. The proposal does not change the role of the Finance Committee at all. Mr. Garrity also stated that currently a legislative committee is doing executive duties by handling the day-to-day operations of the Personnel Department. The basic system is flawed. The consulting firm recommended a Town Manager form of government. These proposals are far less authoritative than a Town Manager or a strong Executive Secretary form. Mr. Garrity asked Town Meeting to depersonalize these issues - not only for today, but for tomorrow. The upgrading is long overdue.

Mr. James Hugh Powers expressed concern over the Personnel Board articles in relation to the Town Charter. The Town is free to legislate as long as the legislation is not inconsistent with the

constitution and the laws of the Commonwealth. He noted that collective bargaining is an executive function under State statute and it takes precedence over any local ordinance or By-Law. In response to an earlier statement by Mr. Melick that the position of Town Administrator is stronger than a Town Manager, Mr. Powers advised that a Town Manager position can only be created by an elected Charter Commission or by petition to the General Court for a Special Act. David S. Tobin, Town Counsel, opined that the proposed By-Law creating the position of Town Administrator is legal and well within the purview of this Town Meeting.

Mr. J. Darrison Sillesky opposed the Town Government Review Committee proposals. He suggested that amendments to the General By-Law drastically change the role of the Finance Committee.

Mr. John H. Cogswell suggested that the recommendations of the Town Government Review Committee make sense. He further indicated that the Town should be run like any other $50 million business. According to Mr. Cogswell, the executive branch should run the day-to-day operations and, if the voters do not like how it is being run, they can vote the Board of Selectmen out of office. Also speaking in favor of the Committee's proposals were Mary Ellen Hale, Gregory John Shesko, and James Turner.

Mrs. Elinor R. Devlin, Chairman, Park and Recreation Commission, expressed concern with the Town Government Review Committee articles. She indicated that the Commission has worked well with both the Finance Committee and the Personnel Board. The system has worked. She indicated that problems could arise with one elected board telling another elected board what to do.

In response to an inquiry from Mr. John D. Fountain, Mrs. Carleton, Selectman and member of the Town Government Review Committee, advised that it is the intent of the Committee that the Finance Committee will continue with the same process. She further indicated that the budgets currently under the Board of Selectmen go through the same process as all other departments.

Mr. John J. Ryan opposed the proposals of the Town Government Review Committee. He suggested that the Board of Selectmen are too involved in too many other areas and that the Town needs a distinct system of checks and balances that are free and independent as they are now.

A motion to move the previous question on the three Personnel Board articles under the Omnibus Article was offered by Mr. Richard L. Malconian. The motion was presented, but it failed to pass by voice vote.

Mr. Russell S. Broad, Jr. urged defeat of the Town Government Review Committee proposals. He also expressed concern that towns such as Lexington, Winchester, Watertown, Belmont, Dedham, and Wellesley all funded their libraries and Needham did not.

Mr. William M. Powers questioned what effect these Town Government Review Committee proposals would have on other boards. He also questioned the advantage of decentralization which the Town currently has. He suggested the need for a mechanism that brings boards and people together and keeps Town Meeting Members informed during the year. He concluded that if you don't know the effect, don't do it.

Mr. James Turner, member, Town Government Review Committee and Finance Committee, indicated that the benefits of these proposals could be summarized in three words - coordination, consolidation, and consistency. He reiterated that the Finance Committee will continue to receive the budgets of all departments and will have its budget printed in the Warrant. He also indicated that a review of capital items has not received the attention it should and urged support of the Committee's proposals.

Mr. John E. Gamel, Chairman, advised that while no vote has been taken, the School Committee has not opposed the articles of the Town Government Review Committee.

Mr. Jon D. Schneider advised that Town Meeting has heard a good deal of intelligent discussion on a very complex matter. He also believes that the power to handle grievances should be with those who negotiate the contracts, but would like to see checks and balance. He further stated that the role of the Finance Committee needs clarification.

MOVED: Under Article 45, Mr. Gary Uhl offered the following motion: To see if the Town will vote to amend the General By-Laws, Article IX, Personnel, by adding the following clause to Section 5, paragraph C:

(vi) The Board shall be responsible for the purposes of administering the grievance procedure contained in the various collective bargaining agreements entered into between the Board of Selectmen and the Employee Organizations representing employees of the Town of Needham; or take any other action relative thereto.

A motion was offered by Mr. Jon D. Schneider that this matter be referred back to the Town Government Review Committee for further study and to report back to the next session of Town Meeting.

A motion to move the previous question on the motion to refer and Mr. Uhl's motion was offered by Mr. Richard W. Gatto. The motion to move the previous question was presented and carried by voice vote.

Mr. Schneider's motion to refer was presented, but the Moderator was in doubt as to the voice vote. Mrs. Bonnie Jean Tower was sworn in as teller by the Moderator. The motion to refer was again presented and carried by a count of hands. The hand count was Yes 111 - No 98.

MOVED: Under Article 45, Mr. Gary Uhl offered the following Resolution:

That this Annual Town Meeting stand resolved to the proposition that the Consolidated Personnel By-Law (General By-Law of the Town of Needham - Article IX) enacted by the Annual Town Meeting of 1955 pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth of Massachusetts and Massachusetts General Law, Chapter 41, Sections 108A and 108C and all of the pertinent amendments thereto to said Consolidated Personnel By-Law shall govern the hearing of grievances as provided presently in Section 26, Personnel Appeals.

A motion was offered by Mr. Jon D. Schneider that this matter be referred back to the Town Government Review Committee for further study and to report back to the next session of Town Meeting.

Mr. Schneider's motion to refer was presented and carried by voice vote.

MOVED: Under Article 45, Mr. Gary Uhl offered the following Resolution:

That this Annual Town Meeting stand resolved to the proposition that the Consolidated Personnel By-Law (General By-Law of the Town of Needham - Article IX) enacted by the Annual Town Meeting of 1955 pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth of Massachusetts and Massachusetts General Law, Chapter 41, Sections 108A and 108C and all of the pertinent amendments thereto to said Consolidated Personnel By-Law later enacted, is and shall be the manner in which and by which the Town of Needham desires to administer its personnel matters.

A motion was offered by Mr. Jon D. Schneider that this matter be referred back to the Town Government Review Committee for further study and to report back to the next session of Town Meeting.

Mr. Daniel P. Matthews suggested that if something is wrong with the Consolidated Personnel By-Law, then it should be fixed, but Town Meeting should reaffirm its value that the Personnel By-Law is the method by which we handle personnel. He also indicated that volunteers should be allowed to participate. He urged adoption of this resolution.

Mr. Roger B. Hunt questioned if the personnel concept adopted in 1955 is still viable. He recommended that the resolution be referred.

Mr. Schneider's motion to refer was presented and it carried by voice vote. Mr. Matthews rose to request a hand count and was joined by at least seven Town Meeting Members. The motion was again presented and carried by a count of hands. The hand count was Yes 148 - No 53.

A motion was offered by Mr. Jon D. Schneider that the Annual Town Meeting stand adjourned to a time certain, specifically after the Special Town Meeting is dissolved. It was so voted unanimously.

* * * * *

The Moderator called the Special Town Meeting to order, declared a quorum to be present, and requested the Town Clerk to so record.

ARTICLE 2 GENERAL BY-LAW AMENDMENT - TOWN ADMINISTRATION

To see if the Town will vote to amend its General By-Laws, Article II, as follows:

1. By adding a new Section 1 as follows:

There shall be a Town Administrator who shall be the chief administrative officer of the Town. He/she shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the Town. He/she shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to him/her by By-Law, Town Meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall specifically be responsible for effective and professional management of the financial and personnel affairs of the Town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under his/her immediate supervision and direction.

Operating Budget

The Town Administrator shall be authorized to direct all departments to submit their operating budget requests in a form and on a schedule established by the Board of Selectmen.

On or before a date determined by the Board of Selectmen, the Town Administrator, with the assistance of the Finance Director, shall submit to the Board a written proposed budget for Town government for the ensuing fiscal year. The Proposed budget shall provide a complete financial plan of all Town funds and projected expenditures.

The budget shall show in detail all estimated income from the proposed tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal year.

The Board of Selectmen shall review the proposed budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

Capital Improvements Budget

The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five-year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. He/she shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of the plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

Financial Management

The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the Town and shall render a full report to the Board of Selectmen at the end of the fiscal year and otherwise as they may require.

The Town Administrator shall keep the Board of Selectmen informed as to the financial condition and needs of the Town and shall make recommendations to the Board as he/she deems necessary or expedient.

Personnel

The Town Administrator shall be responsible for administration of the Town Personnel By-law, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; compliance with State and Federal equal opportunity laws, including Affirmative Action. He/she shall be assisted in the execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking Section 2 of Article II.

3. By changing the numbering of present Section 1 of Article II, Town Finance and Administration, to Section 2 in Article II.

4. By striking out from the first paragraph of newly renumbered Section 2 everything following the words "by the various Town departments" through the end of that paragraph and inserting a period after the words "Town departments".

5. By striking out the third paragraph of newly numbered Section 2 and inserting in place thereof the following:

"The Committee shall report to all Town Meetings its recommendations, in print or otherwise, on all articles having a financial impact on the Town."

6. By striking out Section 5 (b) of Article II in its entirety and by changing the numbering of Section 5(a) to Section 5.;

or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws, Article II, as follows:

1. By adding a new Section 1 as follows:

There shall be a Town Administrator who shall be the chief administrative officer of the Town. He/she shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the Town. He/she shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to him/her by By-Law, Town Meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall specifically be responsible for effective and professional management of the financial and personnel affairs of the Town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under his/her immediate supervision and direction.

Operating Budget

The Town Administrator shall be authorized to direct all departments to submit their operating budget requests in a form and on a schedule established by the Board of Selectmen.

On or before a date determined by the Board of Selectmen, the Town Administrator, with the assistance of the Finance Director, shall submit to the Board a written proposed budget for Town government for the ensuing fiscal year. The Proposed budget shall provide a complete financial plan of all Town funds and projected expenditures.

The budget shall show in detail all estimated income from the proposed tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal year.

The Board of Selectmen shall review the proposed budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

Capital Improvements Budget

The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five-year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. He/she shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of the plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

Financial Management

The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the Town and shall render a full report to the Board of Selectmen at the end of the fiscal year and otherwise as they may require.

The Town Administrator shall keep the Board of Selectmen informed as to the financial condition and needs of the Town and shall make recommendations to the Board as he/she deems necessary or expedient.

Personnel

The Town Administrator shall be responsible for administration of the Town Personnel By-law, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; compliance with State and Federal equal opportunity laws, including Affirmative Action. He/she shall be assisted in the execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking Section 2 of Article II.

3. By changing the numbering of present Section 1 of Article II, Town Finance and Administration, to Section 2 in Article II.

4. By striking out from the first paragraph of newly renumbered Section 2 everything following the words "by the various Town departments" through the end of that paragraph and inserting a period after the words "Town departments".

5. By striking out the third paragraph of newly renumbered Section 2 and inserting in place thereof the following:

"The Committee shall report to all Town Meetings its recommendations, in print or otherwise, on all articles having a financial impact on the Town."

6. By striking out Section 5 (b) of Article II in its entirety and by changing the numbering of Section 5(a) to Section 5.

A motion was offered by Mr. John J. Gill, Acting Chairman of the Town Government Review Committee, that the subject matter of Article 2 be referred back to the Town Government Review Committee for further study and to report back at the next Annual Town Meeting or sooner.

Mr. Robert Todd Pratt suggested that Town Meeting has heard long and fair discussions on this matter and we should vote on these articles tonight. Mr. Thomas O. Bean suggested that some good points were raised which may give the Town Government Review Committee some good points to review. He favored the motion to refer.

A motion to amend the motion to refer was offered by Mrs. Susan W. Abbott that the Town Government Review Committee be requested to hold at least one public hearing.

A motion to move the previous question on the motion to refer and the motion to amend was offered by Mr. Donald E. Kidd. Mr. Kidd's motion was presented and carried unanimously by voice vote.

Mrs. Abbott's motion to amend was presented and carried by voice vote.

Mr. Gill's motion to refer was presented and carried by voice vote.

VOTED: That the subject matter of Article 2 be referred back to the Town Government Review Committee and to report back to the next Annual Town Meeting or sooner and that the Committee be requested to hold at least one public hearing.

ARTICLE 3

To see if the Town will vote to amend its Consolidated Personnel By-Law (General By-Laws, Article IX), 1989 Compilation, as most recently amended, by further amending the same as follows:

1. By inserting after the definition of "Town", in Section 4, the two following definitions:

   Town Administrator - The Town Administrator established by Section 1 of Article II of the General By-Laws, as amended.

   Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

2. By striking out, in Section 4, the definition of "Classification Plan", and by inserting in place thereof the following definition:

   Classification Plan - The classification plan established by Section 11 of the By-Law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

3. By striking out, in Section 4, the definition of "Compensation Plan", and by inserting in place thereof the following definition:

   Compensation Plan - The compensation plan established by Section 12 of this By-Law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of the General Laws, as amended.

4. By amending the definition of "Compensatory Time", in Section 4, by inserting after the words "division head", the words "and subject to the approval of the Town Administrator".

5. By striking out, in Section 4, the definition of "Consolidated Personnel By-Law", and inserting in place thereof the following definition:

   Consolidated Personnel By-Law - Article IX of the General By-Laws of the Town of Needham, as amended.

6. By striking out, in Section 4, the definition of "Personnel Director", and by inserting in place thereof the following definition:

   Personnel Director - An appointee of the Board of Selectmen as described in this By-Law, Section 6, Personnel Director.

7. By striking out Clause (ii) of Subsection (c) of Section 5 and by inserting in place thereof the following clause:

   (ii) By-Law Administration. The Board may issue, amend or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this By-Law and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this By-Law vested in the Town Administrator and shall make such recommendations to the Town Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this By-Law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

8. By amending Clause (iii) of Subsection (c) of Section 5 as follows:

   (a) By striking out the words "under its jurisdiction" in the third line of the first paragraph, and inserting in place thereof the words "subject to this By-Law"; and (b) by striking out the second paragraph.

9. By striking out, in Subsection (c) of Section 5, Clause (iv) and renumbering existing Clause (v) to be Clause (iv).

10. By inserting after Section 5 the following new Section:

    Section 5A. Duties of Town Administrator

    (a) The Town Administrator shall be responsible for the administration of the Consolidated Personnel By-Law, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

    With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

    (b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

    (c) The Town Administrator shall:

    (i) Ensure that the Town maintains an effective personnel system by developing and monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices.

    (ii) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town By-Laws and policies adopted pursuant to the same.

    (iii) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this By-Law, to ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race, or national origin for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

(iv) Take care to see that the rights of honorably discharged veterans of the armed forces of the United States shall be observed in the hiring, promotion, layoff or other discharge of employees under this By-Law, insofar as such rights are prescribed by state and federal law.

(v) Administer employee benefits programs for (a) Town personnel subject to this By-Law and (b) such other Town personnel as may be placed under his jurisdiction for these purposes by department not subject to this By-Law.

(vi) Establish and maintain a centralized personnel record keeping system as may be required by law and/or good personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that the Town Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

(vii) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this By-Law.

(viii) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(ix) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under Chapter 150E of the General Laws as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under Subsection (c) and of any order or regulation adopted under Subsection (d), and of any amendment or repeal thereof.

11. By striking out Section 6 and by inserting in place thereof the following section:

Section 6. Personnel Director

(a) The Board of Selectmen, after consultation with the Personnel Board, may appoint a Personnel Director. Any persons so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

12. By adding at the end of Paragraph (a) of Section 10 the following sentence: Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

13. By inserting after the first sentence of Paragraph (b) of Section 10 the following new sentence: If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his designated agent.

14. By striking out the second sentence of Clause (c)(i) of Section 10 and inserting in place thereof the following sentence: The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position.

15. By striking out the first sentence of Section 11 and by inserting in place thereof the following sentences: The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval a schedule setting forth the classes of positions, by job titles, in the Town service, which are subject to the provisions of this By-Law, such schedule to be incorporated with the Compensation Plan submitted under the provisions of Subsection (a) of Section 12. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of this Section, shall constitute the Classification Plan authorized by Section 108A of Chapter 41 of the General Laws, as amended.

16. By inserting after the first sentence of Subsection (b) of Section 11 the following sentence: Said board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this By-Law and the laws of the Commonwealth.

17. By striking out the first two sentences of Subsection (a) of Section 12 and by inserting the following two sentences: The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to Section 108A of Chapter 41 of the General Laws, as amended, for the Classification Plan proposed by said Board under Section 11. The Compensation Plan shall be administered by the Personnel Director, under the supervision and direction of the Town Administrator, except as otherwise provided herein.

18. By adding at the end of Subsection (a) of Section 12 the following paragraph: If an article is inserted in the warrant for an Annual or Special Town Meeting by voter petition under Sections 10 and 12 of Chapter 39 of the General Laws, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted", or "ought to be adopted with an amendment or amendments" specified by the Board, or "ought to be referred for further study and a report to the next ensuing Annual Town Meeting", or "ought to be rejected".

19. By amending the Classification and Standard Rates of Compensation voted by the 1990 Annual Town Meeting incorporated by reference into the Consolidated Personnel By-Law, by striking out, in Schedule A, the class title "Executive Secretary, Selectmen" and the Grade "S-22".;

or take any other action relative thereto.

MOVED: That the Town amend its Consolidated Personnel By-Law (General By-Laws, Article IX), 1989 Compilation, as most recently amended, by further amending the same as follows:

1. By inserting after the definition of "Town", in Section 4, the two following definitions:

   Town Administrator - The Town Administrator established by Section 1 of Article II of the General By-Laws, as amended.

   Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

2. By striking out, in Section 4, the definition of "Classification Plan", and by inserting in place thereof the following definition:

   Classification Plan - The classification plan established by Section 11 of the By-Law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

3. By striking out, in Section 4, the definition of "Compensation Plan", and by inserting in place thereof the following definition:

   Compensation Plan - The compensation plan established by Section 12 of this By-Law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of the General Laws, as amended.

4. By amending the definition of "Compensatory Time", in Section 4, by inserting after the words "division head", the words "and subject to the approval of the Town Administrator".

5. By striking out, in Section 4, the definition of "Consolidated Personnel By-Law", and inserting in place thereof the following definition:

   Consolidated Personnel By-Law - Article IX of the General By-Laws of the Town of Needham, as amended.

6. By striking out, in Section 4, the definition of "Personnel Director", and by inserting in place thereof the following definition:

   Personnel Director - An appointee of the Board of Selectmen as described in this By-Law, Section 6, Personnel Director.

7. By striking out Clause (ii) of Subsection (c) of Section 5 and by inserting in place thereof the following clause:

   (ii) By-Law Administration. The Board may issue, amend or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this By-Law and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this By-Law vested in the Town Administrator and shall make such recommendations to the Town Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this By-Law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

8. By amending Clause (iii) of Subsection (c) of Section 5 as follows:

   (a) By striking out the words "under its jurisdiction" in the third line of the first paragraph, and inserting in place thereof the words "subject to this By-Law"; and (b) by striking out the second paragraph.

9. By striking out, in Subsection (c) of Section 5, Clause (iv) and renumbering existing Clause (v) to be Clause (iv).

10. By inserting after Section 5 the following new Section:

    Section 5A. Duties of Town Administrator

    (a) The Town Administrator shall be responsible for the administration of the Consolidated Personnel By-Law, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

    With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

    (b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

    (c) The Town Administrator shall:

    (i) Ensure that the Town maintains an effective personnel system by developing and monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices.

    (ii) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town By-Laws and policies adopted pursuant to the same.

    (iii) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this By-Law, to ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race, or national origin for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

    (iv) Take care to see that the rights of honorably discharged veterans of the armed forces of the United States shall be observed in the hiring, promotion, layoff or other discharge of employees under this By-Law, insofar as such rights are prescribed by state and federal law.

    (v) Administer employee benefits programs for (a) Town personnel subject to this By-Law and (b) such other Town personnel as may be placed under his jurisdiction for these purposes by department not subject to this By-Law.

    (vi) Establish and maintain a centralized personnel record keeping system as may be required by law and/or good personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that the Town Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

    (vii) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this By-Law.

(viii) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(ix) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under Chapter 150E of the General Laws as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under Subsection (c) and of any order or regulation adopted under Subsection (d), and of any amendment or repeal thereof.

11. By striking out Section 6 and by inserting in place thereof the following section:

Section 6. Personnel Director

(a) The Board of Selectmen, after consultation with the Personnel Board, may appoint a Personnel Director. Any persons so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board.

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

12. By adding at the end of Paragraph (a) of Section 10 the following sentence: Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

13. By inserting after the first sentence of Paragraph (b) of Section 10 the following new sentence: If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his designated agent.

14. By striking out the second sentence of Clause (c)(i) of Section 10 and inserting in place thereof the following sentence: The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position.

15. By striking out the first sentence of Section 11 and by inserting in place thereof the following sentences: The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval a schedule setting forth the classes of positions, by job titles, in the Town service, which are subject to the provisions of this By-Law, such schedule to be incorporated with the Compensation Plan submitted under the provisions of Subsection (a) of Section 12. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of this Section, shall constitute the Classification Plan authorized by Section 108A of Chapter 41 of the General Laws, as amended.

16. By inserting after the first sentence of Subsection (b) of Section 11 the following sentence: Said board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this By-Law and the laws of the Commonwealth.

17. By striking out the first two sentences of Subsection (a) of Section 12 and by inserting the following two sentences: The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to Section 108A of Chapter 41 of the General Laws, as amended, for the Classification Plan proposed by said Board under Section 11. The Compensation Plan shall be administered by the Personnel Director, under the supervision and direction of the Town Administrator, except as otherwise provided herein.

18. By adding at the end of Subsection (a) of Section 12 the following paragraph: If an article is inserted in the warrant for an Annual or Special Town Meeting by voter petition under Sections 10 and 12 of Chapter 39 of the General Laws, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted", or "ought to be adopted with an amendment or amendments" specified by the Board, or "ought to be referred for further study and a report to the next ensuing Annual Town Meeting", or "ought to be rejected".

19. By amending the Classification and Standard Rates of Compensation voted by the 1990 Annual Town Meeting incorporated by reference into the Consolidated Personnel By-Law, by striking out, in Schedule A, the class title "Executive Secretary, Selectmen" and the Grade "S-22".

A motion was offered by Mr. John J. Gill, Acting Chairman of the Town Government Review Committee, that the subject matter of Article 3 be referred back to the Town Government Review Committee for further study and to report back at the next Annual Town Meeting or sooner.

A motion to amend the motion to refer was offered by Mrs. Susan W. Abbott that the Town Government Review Committee be requested to hold at least one public hearing.

Mrs. Abbott's motion to amend was presented and carried by voice vote.

Mr. Gill's motion to refer was presented and carried by voice vote.

VOTED: That the subject matter of Article 3 be referred back to the Town Government Review Committee for further study and to report back to the next Annual Town Meeting or sooner and that the Committee be requested to hold at least one public hearing.

ARTICLE 4

To see if the Town will vote to amend its General By-Laws, Article 1, as follows:

1. By adding a Section 9 as follows:

(a) This section is enacted in the exercise by the Town Meeting of its authority under Section 15 of Chapter 39 of the General Laws, as from time-to-time amended, and in the exercise of its customary and traditional liberties under Section 1 of the Municipal Home Rule Amendment to the State Constitution (Amendment Article 11, as revised and Amendment Article LXXIX), to establish its own rules of Town Meeting procedure.

(b) As used herein, the term "employer" shall mean the Board of Selectmen or such other Town Officer or Board as they may from time-to-time designate to undertake the negotiation of collective bargaining agreements on behalf of the Town, acting pursuant to Chapter 150E of the General Laws, as from time to time amended.

(c) When a collective bargaining agreement has been signed by the employer with any organization of Town employees under said Chapter 150E, the employer shall promptly provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E), and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

(d) The motion to be presented to the Town Meeting under paragraph (c) above shall be offered in such standard form as determined by the Finance Committee after consultation with the Board of Selectmen and the Personnel Board. Said motion shall identify clearly the collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements, and information as to the amount of the appropriation or appropriations being requested to fund the same.

(e) A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the employer or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to a collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines it to be incontravention of Chapter 150E of the Massachusetts General Laws.

MOVED: That the Town amend its General By-Laws, Article 1, as follows:

1. By adding a Section 9 as follows:

(a) This section is enacted in the exercise by the Town Meeting of its authority under Section 15 of Chapter 39 of the General Laws, as from time-to-time amended, and in the exercise of its customary and traditional liberties under Section 1 of the Municipal Home Rule Amendment to the State Constitution (Amendment Article 11, as revised and Amendment Article LXXIX), to establish its own rules of Town Meeting procedure.

(b) As used herein, the term "employer" shall mean the Board of Selectmen or such other Town Officer or Board as they may from time-to-time designate to undertake the negotiation of collective bargaining agreements on behalf of the Town, acting pursuant to Chapter 150E of the General Laws, as from time to time amended.

(c) When a collective bargaining agreement has been signed by the employer with any organization of Town employees under said Chapter 150E, the employer shall promptly provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E), and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

(d) The motion to be presented to the Town Meeting under paragraph (c) above shall be offered in such standard form as determined by the Finance Committee after consultation with the Board of Selectmen and the Personnel Board. Said motion shall identify clearly the collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements, and information as to the amount of the appropriation or appropriations being requested to fund the same.

(e) A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the employer or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to a collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines it to be incontravention of Chapter 150E of the Massachusetts General Laws.

A motion was offered by Mr. John J. Gill, Acting Chairman of the Town Government Review Committee, that the subject matter of Article 4 be referred back to the Town Government Review Committee for further study and to report back at the next Annual Town Meeting or sooner and that the Committee be requested to hold at least one public hearing.

Mr. Eric W. Fleming opposed the motion to refer and urged support of Article 4.

Mr. Gill's motion was presented and carried by voice vote.

VOTED: That the subject matter of Article 4 be referred back to the Town Government Review Committee for further study and to report back to the next Annual Town Meeting or sooner and that the Committee be requested to hold at least one public hearing.

At this time, Mr. Richard P. Melick resumed his official duties as Moderator.

ARTICLE 5

To see if the Town will vote to amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by authorizing the Town Clerk to renumber the remaining sections as required; or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by authorizing the Town Clerk to renumber the remaining sections as required.

A motion was offered by Mrs. Marcia M. Carleton that Articles 5, 6, 7, 8, and 9 be discussed together but voted on separately. The motion was presented and carried unanimously by voice vote.

Mr. David S. Tobin, Town Counsel, addressed these articles on behalf of the Board of Selectmen. He explained that Chapter 687 of the Acts of 1989 created the Uniform Procurement Act. These articles seek to make the General By-Laws of the Town of Needham more consistent with the State statute.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 6

To see if the Town will vote to amend its General By-Laws Article XVI Department of Purchasing by deleting the Article in its entirety, and by authorizing the Town Clerk to renumber the remaining articles as required; or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws Article XVI Department of Purchasing by deleting the Article in its entirety, and by authorizing the Town Clerk to renumber the remaining articles as required.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 7

To see if the Town will vote to amend its General By-Laws Article II, Section 15, by deleting the Section in its entirety and by authorizing the Town Clerk to renumber the remaining sections as required; or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws Article II, Section 15, by deleting the Section in its entirety and by authorizing the Town Clerk to renumber the remaining sections as required.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 8

To see if the Town will vote to authorize the Town to solicit, award and enter into certain types of contracts for periods exceeding three years but not to exceed the time period specified, as follows, including any renewal, extension or option provision:

	Years
Lease of public lands and buildings	10
Lease of any equipment	10
Lease purchase of any equipment	10
Maintenance agreements for equipment, buildings, or grounds	5
School transportation	5
Purchase of oil and fuel	5
Lighting	10
Sewer and disposal contracts	30
Incineration, composting garbage, recycling	20
Water supply construction	20
Water supply	20
Water studies	10
Environmental studies and consultants	10 ;

or take any other action relative thereto.

MOVED: That the Town authorize the Town to solicit, award and enter into certain types of contracts for periods exceeding three years but not to exceed the time period specified, as follows, including any renewal, extension or option provision:

	Years
Lease of public lands and buildings	10
Lease of any equipment	10
Lease purchase of any equipment	10
Maintenance agreements for equipment, buildings, or grounds	5
School transportation	5
Purchase of oil and fuel	5
Lighting	10
Sewer and disposal contracts	30
Incineration, composting garbage, recycling	20
Water supply construction	20
Water supply	20
Water studies	10
Environmental studies and consultants	10.

A motion to amend was offered by Mr. Richard B. Weitzen that the following words be added to the first line under Article 8 after the words "Lease of public lands and buildings": "except with regard to the land and buildings where the Needham Golf Club is presently located which lease must also be approved by Town Meeting."

Mr. Weitzen expressed concern with the paltry sum of $25,000. for the lease by the Needham Golf Course. Mrs. Elizabeth E. Anderson explained that this property serves the Town well. Someone takes care of the lands and the people can enjoy the open space. Also, residents of the Town can use the golf course on Tuesdays.

Mr. Eric W. Fleming expressed concern that this article should be included in the General By-Laws. A motion was offered by Mr. Eric W. Fleming to add this article as the last subsection of Needham General By-Laws Article II.

Mr. Fleming's motion to amend was presented and carried by voice vote.

Mr. Weitzen's motion was presented, but failed to pass by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town authorize the Town to solicit, award and enter into certain types of contracts for periods exceeding three years but not to exceed the time period specified, as follows, including any renewal, extension or option provision:

	Years
Lease of public lands and buildings	10
Lease of any equipment	10
Lease purchase of any equipment	10
Maintenance agreements for equipment, buildings, or grounds	5
School transportation	5
Purchase of oil and fuel	5
Lighting	10
Sewer and disposal contracts	30
Incineration, composting garbage, recycling	20
Water supply construction	20
Water supply	20
Water studies	10
Environmental studies and consultants	10.

and by adding this article as the last subsection of Needham General By-Laws Article II.

ARTICLE 9

To see if the Town will vote to amend its General By-Laws Article II, Town Finance and Administration, Section 4 by adding the following language in the second sentence, after the word "auction,", "or pursuant to the procedures permitted by G.L. c. 30B," so that as amended the Section reads as follows:

> **Section 4.** The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law, or under a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings. And he is authorized and empowered with the approval of the Selectmen, in the name and on behalf of the Town, to sell such lands at public auction, or pursuant to the procedures permitted by G.L. c. 30B, and to execute, acknowledge and deliver proper deeds for that purpose. Notice of any sale by auction shall be published in a newspaper published in the Town for three consecutive weeks, the first publication to be not less than twenty-one days before the sale.; or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws Article II, Town Finance and Administration, Section 4 by adding the following language in the second sentence, after the word "auction,", "or pursuant to the procedures permitted by G.L. c. 30B," so that as amended the Section reads as follows:

> **Section 4.** The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law, or under a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings. And he is authorized and empowered with the approval of the Selectmen, in the name and on behalf of the Town, to sell such lands at public auction, or pursuant to the procedures permitted by G.L. c. 30B, and to execute, acknowledge and deliver proper deeds for that purpose. Notice of any sale by auction shall be published in a newspaper published in the Town for three consecutive weeks, the first publication to be not less than twenty-one days before the sale.

A motion to amend was offered by Mr. Daniel P. Matthews to strike the words "and he" under Section 4 and substitute the words "The Town Treasurer".

Mr. Matthews motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend its General By-Laws Article II, Town Finance and Administration, Section 4 by adding the following language in the second sentence, after the word "auction,", "or pursuant to the procedures permitted by G.L. c. 30B," so that as amended the Section reads as follows:

> **Section 4.** The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law, or under a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings. The Town Treasurer is authorized and empowered with the approval of the Selectmen, in the name and on behalf of the Town, to sell such lands at public auction, or pursuant to the procedures permitted by G.L. c. 30B, and to execute, acknowledge and deliver proper deeds for that purpose. Notice of any sale by auction shall be published in a newspaper published in the Town for three consecutive weeks, the first publication to be not less than twenty-one days before the sale.

The following proclamation was offered by Mrs. Marcia M. Carleton:

WHEREAS The late Walter H. Bassett was elected to the Needham Town Meeting where he was a member for 25 years; and

WHEREAS Walter H. Bassett was a member of the Needham American Legion Post, the Needham Veterans of Foreign Wars Manson H. Carter Post No. 2498, and

WHEREAS Walter H. Bassett was a Board Member of the Community Council and a volunteer for the Glover Memorial Hospital "Lifeline", and

WHEREAS Walter H. Bassett was a founding member of the Great Plain Square dancers in Needham, and

WHEREAS The Town of Needham is richer for and appreciative of the service to our community given so generously by Walter H. Bassett,

NOW, THEREFORE BE IT RESOLVED by this Body that the 1990 Special Town Meeting be dissolved in honor of the many civic contributions of Walter H. Bassett to the Town of Needham.

* * * * *

The Moderator called the Annual Town Meeting to order. At this time, he expressed his appreciation to all Town Meting Members for enduring a difficult session. He suggested Town Meeting Members leave with their heads held high and a song in their hearts.

ARTICLE 8

To see if the Town will vote to approve and to raise and appropriate a sum of money for the lease with an option to purchase new equipment for various departments; determine how such sum shall be raised and how expended; or take any other action relative thereto.

MOVED: That the Town approve and raise and appropriate a sum of money for the lease with an option to purchase the following new equipment for various departments; determine how such sum shall be raised and how expended.

A motion to postpone indefinitely was offered by Mrs. Marcia M. Carleton. The motion was presented and carried unanimously by voice vote.

ARTICLE 24 GENERAL BY-LAW AMENDMENT PROCUREMENT OF SERVICES, EQUIPMENT, SUPPLIES AND MATERIALS

To see if the Town will vote to amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by renumbering Sections 8 through 23 as Sections 7 through 22; or take any other action relative thereto.

Summary:

Sections 7 and 7A of Article II of the General By-Laws provided that mechanical or other work, and equipment, supplies or materials estimated to cost four thousand dollars or more may only be procured following public advertisement and receipt of sealed proposals. These sections were based on General Laws Chapter 40, Section 4G. Chapter 40, Section 4G was recently repealed by Section 10 of Chapter 687 of the Acts of 1989.

Section 3 of said Chapter 687 of the Acts of 1989 inserts new Chapter 30B of the General Laws, the Uniform Procurement Act.

Chapter 30B allows local awarding authorities to raise to $10,000 the threshold for advertising many procurements, including construction contracts and purchases of supplies and services. All other provisions of Chapter 30B are mandatory and are applicable for all contracts signed on or after May 1, 1990. Chapter 30B requires that the Board of Selectmen appoint a Chief Procurement Officer to centralize all procurements for the Town. Procurements valued at $1,000 to $10,000 may, hereafter, be made based upon telephone solicitation of three or more vendors. This procedure will streamline and modernize the purchasing of services and materials for the Town.

MOVED: That the Town amend its General By-Laws Article II Town Finance and Administration by deleting Sections 7 and 7A in their entirety, and by renumbering Sections 8 through 23 as Sections 7 through 22.

A motion to postpone indefinitely was offered by Mrs. Marcia M. Carleton. The motion was presented and carried unanimously by voice vote.

ARTICLE 37

To see if the Town will vote to accept Chapter 501 of the Acts of 1989; or take any other action relative thereto.

Summary

Under Article 1 of the May 15, 1989 Special Town Meeting the Town voted to authorize the Board of Selectmen to petition the General Court, in compliance with clause (l), Section eight of Article LXXXIX of the Amendments to the Constitution, for the enactment of a special law in the form of the proposed act entitled "AN ACT AUTHORIZING THE GLOVER MEMORIAL HOSPITAL TO ENTER INTO COOPERATIVE AGREEMENTS WITH PRIVATE ENTITIES", or in such form as the General Court may deem appropriate, as a law relating to the Town of Needham. This Special Act became Chapter 319 of the Acts of 1989. At a later date, the Legislature made several revisions in the wording of the Special Act thus repealing Chapter 319 and renumbering the Special Act to become Chapter 501 of the Acts of 1989.

MOVED: That the Town accept Chapter 501 of the Acts of 1989.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 38

To see if the Town will vote to continue the Parking Facilities Study Committee initially established by vote of the Town under Article 4 of the Special Town Meeting in May 1986 and last continued by vote under Article 28 of the 1989 Annual Town Meeting; direct and authorize said Committee to study the parking needs and problems of the community; and report its recommendations to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Parking Facilities Study Committee initially established by vote of the Town under Article 4 of the Special Town Meeting in May 1986 and last continued by vote under Article 28 of the 1989 Annual Town Meeting; direct and authorize said Committee to study the parking needs and problems of the community; and report its recommendations to the next Annual Town Meeting or sooner.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 39

To see if the Town will vote to continue the Solid Waste Disposal Study Committee, established by vote of the 1966 Annual Town Meeting under Article 73 and last continued by vote under Article 25 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue to investigate all methods of collection and disposal of solid waste; said Committee to report to the Capital Budget Sub-Committee and to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Solid Waste Disposal Study Committee, established by vote of the 1966 Annual Town Meeting under Article 73 and last continued by vote under Article 25 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue to investigate all methods of collection and disposal of solid waste; said Committee to report to the Capital Budget Sub-Committee and to the next Annual Town Meeting or sooner.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 40

To see if the Town will vote to continue the Future School Needs Committee, its members to be appointed by the Town bodies, as originally established by vote under Article 77 of the 1951 Annual Town Meeting; and last continued by vote under Article 67 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue its work -- studying population trends and other factors which impact on the future adequacy of school facilities as heretofore authorized and to report with its recommendations to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Future School Needs Committee, its members to be appointed by the Town bodies, as originally established by vote under Article 77 of the 1951 Annual Town Meeting; and last continued by vote under Article 67 of the 1989 Annual Town Meeting; direct and authorize said Committee to continue its work -- studying population trends and other factors which impact on the future adequacy of school facilities as heretofore authorized and to report with its recommendations to the next Annual Town Meeting or sooner.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 41

To see if the Town will vote to continue the Non-Criminal Disposition and Recodification Study Committee, for the purpose of studying the various rules and regulations of the various boards of the Town and the ordinances and By-Laws of the Town to recommend to the Town which such rules, regulations, ordinances and By-Laws should be treated as non-criminal violations under the provisions of M.G.L. Chapter 40, Section 21D, and further to study the Town's General By-Laws so as to recommend to the Town a recodification of the General By-Laws. Said Committee shall be made up of five members, two of whom shall be appointed by the moderator and three of whom shall be appointed by the Board of Selectmen, as originally established by vote under Article 66 of the 1988 Annual Town Meeting; and last continued by vote under Article 66 of the 1989 Annual Town Meeting; said committee shall report back to the next Annual Town Meeting; or take any other action relative thereto.

MOVED: That the Town continue the Non-Criminal Disposition and Recodifications Study Committee, for the purpose of studying the various rules and regulations of the various boards of the Town and the ordinances and By-Laws of the Town to recommend to the Town which such rules, regulations, ordinances and By-Laws should be treated as non-criminal violations under the provisions of M.G.L. Chapter 40, Section 21D, and further to study the Town's General By-Laws so as to recommend to the Town a recodification of the General By-Laws. Said Committee shall be made up of five members, two of whom shall be appointed by the moderator and three of whom shall be appointed by the Board of Selectmen, as originally established by vote under Article 66 of the 1988 Annual Town Meeting; and last continued by vote under Article 66 of the 1989 Annual Town Meeting; said committee shall report back to the next Annual Town Meeting.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 42 was unanimously adopted on May 7, 1990.

ARTICLE 43

To see if the Town will vote to continue the Town Government Review Committee, established by vote of the 1988 Annual Town Meeting under Article 65; to make a study relative to the Charter, structure and management of the Town Government and to the delivery of Town services, with a view to ways and means of improving the same; that the several officers, departments, boards, committees and other administrative agencies of the Town provide said Committee with such information and materials relative to their organization, functions and activities, other than information and records classified as confidential by State and Federal laws and regulations, as said committee may request; and report its recommendations to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Town Government Review Committee, established by vote of the 1988 Annual Town Meeting under Article 65; to make a study relative to the Charter, structure and management of the Town Government and to the delivery of Town services, with a view to ways and means of improving the same; that the several officers, departments, boards, committees and other administrative agencies of the Town provide said Committee with such information and materials relative to their organization, functions and activities, other than information and records classified as confidential by State and Federal laws and regulations, as said committee may request; and report its recommendations to the next Annual Town Meeting or sooner.

A motion to amend was offered by Mr. James Hugh Powers that the main motion offered under this Article be amended by striking out, in lines 5 and 6, after the words "with a view to", the words "ways and means of improving the same", and by inserting in place thereof the words "restructuring Town Government to improve the supervision and administration of its services and activities, and to achieving economies which will enable the Town to function more effectively within the constraints imposed by Proposition 2½, so called,".

Mr. Powers' motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the town continue the Town Government Review Committee, established by vote of the 1988 Annual Town Meeting under Article 65; to make a study relative to the Charter, structure and management of the Town Government and to the delivery of Town services, with a view to restructuring Town Government to improve the supervision and administration of its services and activities, and to achieving economies which will enable the Town to function more effectively within the constraints imposed by Proposition 2½, so called; that the several officers, departments, boards, committees and other administrative agencies of the Town provide said Committee with such information and materials relative to their organization, functions and activities, other than information and records classified as confidential by State and Federal laws and regulations, as said committee may request; and report its recommendations to the next Annual Town Meeting or sooner.

ARTICLE 44

To see if the Town will vote to transfer a sum from the Free Cash Certified Account to meet, in part, appropriations made at this Town Meeting, and to authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1991; or take any other action relative thereto.

MOVED: That the Town transfer a sum from the Free Cash certified Account to meet, in part, appropriations made at this Town Meeting, and to authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1991; the sum being $1,316,000.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 45

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for, or proposed by the Selectmen, or any Town Officer or Committee; to appoint such committees as may be decided upon; and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

MOVED: Under Article 45, Mr. John F. Milligan offered the following Resolution:

> Be it resolved that this Town Meeting publicly applauds and shows its appreciation for those fellow citizens who have helped our fiscal situation by recycling. There are many who bring their newspapers, bottles, etc. to the Town Disposal area quietly and without any wish for recognition or thanks, and who make a substantial contribution to the town, and who, by their example will help others to do likewise.

ACTION: Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 45, Mr. Robert D. Hall, Jr. offered the following Resolution:

> Be it resolved that this Town Meeting wishes the Personnel Committee to study all existing and pending employment contracts (including those in the School Department) to determine if contracts can be abrogated and/or renegotiated so as to permit the Town Government to finance its operations in the fiscal year 1991 and in the foreseeable future within the budget constraints of Proposition 2½ and without dependence on State aid; and to report their findings and recommendations to the Selectmen and Finance Committee at least 60 days prior to the 1991 Town Meeting so as to assist them in their budget planning; and also to report their findings to the 1991 Annual Town Meeting.

ACTION: Said Resolution was presented, but it failed to pass by voice vote.

MOVED: Under Article 45, Mr. James Hugh Powers offered the following Resolution:

RESOLVED, that it is the sense of the Town Meeting that the Commonwealth continues to make excessive use of the local property tax as a means of financing the public school system which, under the Constitution of the Commonwealth, is a State responsibility (See Part II, Chapter V, Section II); that this State practice denies children of the Commonwealth equal educational opportunity by making their schools too reliant on local property tax bases which vary widely from one community to another; that this practice places too heavy a burden on residential housing for the support of the schools, given the regressive aspects of the property tax as contrasted with taxes measuring ability to pay by income; that use of the property tax levy in each city and town to fund the public schools, a State function, is further compromised by the policies and restrictions of Proposition 2½, forcing the schools to compete with truly local government functions for limited available property tax dollars; that these difficulties are further exacerbated by the failure of the State to fund fully and promptly all State mandates to cities and towns, and their local school committees, in relation to the public schools; and that the several legislators representing the people of Needham in the General Court be respectfully and urgently requested to give highest priority to redressing the public school funding crisis by means of appropriate and prudent changes in the State tax laws, State laws relating the abatements of the property tax, and the laws relating to State aid to the cities, towns and regional school districts for the support of the public schools, and, if need be, through amendments to the Constitution of the Commonwealth designed to assure adequate State financial support of the public schools. And be it further

RESOLVED, That the Board of Selectmen cause copies of this resolution to be sent to the several legislators representing the people of the Town of Needham in the General Court, to the Chairmen of the Joint Committee on Education and on Taxation, to the Chairmen of the House and Senate Committees on Ways and Means, and to His Excellency the Governor, with appropriate covering letters.

ACTION Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 45, Mr. James Hugh Powers offered the following motion:

That the Finance Committee be authorized and directed to include in its annual report, printed as part of the Annual Town Meeting Warrant document, a table showing the staffing pattern of each department, board, committee, and commission for which an appropriation is requested in the annual budget. Such staffing table shall indicate the numbers of full-time and part-time personnel employed in each office or class of positions, the titles of such offices or classes of positions, and the then existing entrance and maximum rates of compensation established for such offices and positions, in declining order from the highest paid to the lowest paid offices and classes of positions authorized for the particular department, board, committee, or commission, as the case may be.

ACTION: Mr. Powers' motion was presented and carried by voice vote.

MOVED: Under Article 45, Mr. Norman M. Bryden offered the following Resolution:

RESOLVED: that this Town Meeting urges the Selectmen to continue the town's vital struggle to obtain its fair share of local aid funds appropriated by the General Court but withheld by the Governor, joining with other communities as expedient to enforce release of such funds to the communities forthwith.

ACTION: Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 45, Mr. John D. Fountain offered the following Resolution:

Be it resolved that it is the sense of the Town Meeting that the Board of Selectmen and the Personnel Board be guided by the following goal in setting salaries and in negotiating salary schedules that cover fiscal year 1991 for all Needham Town Employees:

Salaries for all Town Employees should be increased by 2 1/2 percent for the fiscal year 1991.

A motion to amend was offered by Mr. Eric W. Fleming to strike the number "2 1/2 per cent" and insert in place thereof the words "zero percent".

A second motion to amend was offered by Mrs. Susan W. Abbott to insert after the words "increased by" the words "no more than".

After a brief discussion, Mr. Frederick Walman moved the previous question on the Resolution and the two motions to amend. The motion was presented and carried by voice vote.

Mr. Fleming's motion to amend was presented, but it failed to pass by voice vote.

Mrs. Abbott's motion to amend was presented and the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt as to the voice vote. The motion was presented for the third time and carried by a count of hands. The hand count was Yes 91 - No 70.

ACTION: Said Resolution, as amended, was presented and the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt as to the voice vote. The motion was presented for the third time and carried by a count of hands. The hand count was Yes 90 - No 69.

VOTED: Be it resolved that it is the sense of the Town Meeting that the Board of Selectmen and the Personnel Board be guided by the following goal in setting salaries and in negotiating salary schedules that cover the fiscal year 1991 for all Needham Town Employees:

Salaries for all Town Employees should be increased by no more than 2 1/2 percent for fiscal year 1991.

MOVED: Under Article 45, Mrs. Betsy M. Tedoldi offered the following Resolution:

Be it resolved that in anticipation of additional revenue to the Town, including certified free cash and payment of State Aid previously withheld by the State, it is the will of this Town Meeting that if and when a Special Town Meeting should be called during the Fall of 1990, at a time determined by the Board of Selectmen, that a sum of $33,446 be included for the services of the Council On Aging.

A motion to amend was offered by Mrs. Jane A. Howard to add the words "and a sum of $40,000 be included for the services of public transportation."

Mrs. Diane Perry Matthews advised that 23% of the population of Needham is getting older and there is a need to address these issues that affect these people.

Mrs. Howard's motion to amend was presented, but it failed to pass by voice vote.

ACTION: Said Resolution was presented, but it failed to pass by voice vote.

MOVED: Under Article 45, Mr. Daniel P. Matthews offered the following Resolution:

Be it resolved that Town Meeting recommend that the various Boards and Committees of the Town confer and that said Boards and Committees develop and implement appropriate programs for the encouragement of voluntary contributions as a supplemental source of financial support for worthy activities of the Town.

After a brief discussion, Mr. Arthur M. Tiernan, Jr. moved the previous question on Mr. Matthews' Resolution. The motion was presented and carried unanimously by voice vote.

ACTION: Said Resolution was presented and carried by voice vote.

MOVED: Under Article 45, Mrs. Joan D'Arcy Sheridan offered the following motion:

That an advisory committee be formed to study and make recommendations about the feasibility of returning to the Needham School system those mentally handicapped children whose parents wish them to attend school in Needham. The committee shall consist of 7 members - 2 appointed by the School Committee, 2 appointed by the Moderator, 2 appointed by the Selectmen, 1 appointed by the Finance Committee; to report back to the next Annual Town Meeting or sooner.

ACTION: Mrs. Sheridan's motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt as to the voice vote. The motion was presented for the third time and carried by a count of hands. The hand count was Yes 93 - No 60.

MOVED: Under Article 45, Mrs. Marcia M. Carleton offered the following Proclamation:

WHEREAS The late Harry Martin served with great distinction as a Town Meeting Member for many years, and

WHEREAS Harry Martin was well known for his ability to bring issues to an understandable level, and

WHEREAS A favorite expression of Harry's at Town Meeting during a debate on an issue favored by him would be to say: "Do This For Old Harry Martin", and

WHEREAS Harry Martin was a stone mason by profession and always stated that he was proud to live in Needham, and

WHEREAS The Town of Needham is richer for and appreciative of his many years of service to our community.

NOW, THEREFORE BE IT RESOLVED that the 1990 Annual Town Meeting be adjourned in memory of Harry Martin.

ACTION: Said Proclamation was presented and carried unanimously by voice vote.

MOVED: Under Article 45, Mrs. Marcia M. Carleton offered the following Proclamation:

WHEREAS The late Rosalind Mortimer-Maddox was a dedicated Town Meeting Member from 1974 and served until 1989, and

WHEREAS Rosalind Mortimer-Maddox will be remembered by all of us for her sense of humor, determination and energetic service to the Town in many areas, and

WHEREAS Rosalind Mortimer-Maddox founded the Women Democrats of the Needham/Dover Area and remained a loyal Democrat and supporter of women running for office at the state and local levels, and

WHEREAS Rosalind Mortimer-Maddox was an elementary school teacher for many years, and

WHEREAS Rosalind Mortimer-Maddox served with distinction on many Town Committees, including Council on Aging, and the Arts Lottery Council.

NOW, THEREFORE BE IT RESOLVED by this Body that the 1990 Annual Town Meeting be dissolved in memory of one of our most illustrious departed members.

ACTION: At 12:20 A.M. said Proclamation was presented and carried unanimously by voice vote.

Theodora K. Eaton, CMC,
Town Clerk